MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA, HELD THURSDAY, DECEMBER 19, 2013

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, December 19, 2013, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President: Russell

Councilpersons: Culver, Olshefski, Kling, Showers

(Culver not present for entire

meeting.)

Mayor: Battle

City Administrator: Hamilton

City Attorney: Joffrion

Assistant to

City Clerk-Treasurer: Bell

President Russell called the meeting to order.

Rev. Marcell Johnson, Huntsville Hospital Department of Pastoral Care, led the invocation; Councilman Culver led the pledge of allegiance.

President Russell stated that the first item on the agenda was Approval of Minutes.

The minutes of the Regular Meeting of the Council on December 5, 2013, were approved as submitted.

President Russell stated that the next item on the agenda was Resolutions and Special Recognitions. He recognized Mayor Battle.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward, noting that there were some

young people to be recognized.

Mr. Patterson stated that he would like to recognize two State championship teams: the Randolph School Boys Cross-Country Team for winning the Class 4A Cross-Country Championship and the Westminster Christian Academy Boys Cross-Country Team for winning the Class 3A Cross-Country Championship.

Mr. Patterson asked Coach Twig of the Randolph School Boys Cross-Country Team to come forward and introduce his team members. He stated that this team had won the State Championship for nine consecutive years.

Coach Twig stated that they had had an awesome season and introduced the team members, noting the All-State team members.

Mayor Battle presented certificates to the team members and the coach, congratulating them and expressing appreciation for all the work they had done, noting that they had brought fame and fortune to the community.

Mr. Patterson asked Coach Justin Huston of Westminster Christian Academy to come forward and introduce his team members. He stated that they had won the Class 3A Cross-Country Championship.

Coach Huston stated that this was the school's first State championship in its history, noting that they were very proud of this.

Coach Huston introduced his team members, noting the All-State team members.

Mayor Battle presented certificates to the team members and the coach, congratulating them and noting that they had worked hard and had brought great recognition to the community.

Mayor Battle asked Mr. John Perry of Intuitive Research and Tech Corporation to come forward, noting that he had a recognition for a special group of men who were Huntsville police officers, also known as the "Blue Notes 5."

Mr. Perry asked the Blue Notes 5 to come forward. He stated that Mr. John Wright, the Executive Vice President for AUSA, Association of the United States Army, the Redstone/Huntsville Chapter, was also present. He asked Chief Lewis Morris of the Police Department to come forward also.

Mr. Perry stated that on behalf of the Association of the United States Army, the Redstone/Huntsville Chapter, it was with distinct pleasure they were recognizing these five outstanding police officers, who were not only outstanding police officers and citizens but who also lent their voices to many occasions. He stated that recently they had presented the national anthem at the Veterans Memorial prior to the Veterans Day Parade. He stated that at this time they wanted to thank them for everything they did and had done, stating that he was looking forward to continuing to hear their voices.

Certificates of Appreciation were presented to members of the group on behalf of the Veterans Day Planning Committee and the Association of the United States Army, expressing

appreciation for their performance and their support of Veterans Week activities. The members of the group were also presented Commander's Coins.

Mayor Battle stated that persons always enjoyed hearing the Blue Notes sing and expressed appreciation to them for representing the city of Huntsville, keeping it safe, and also for their outstanding singing.

Mayor Battle asked Ms. Joy McKee to come forward, stating that she had a special recognition.

Ms. McKee stated that the community loved the veterans, both the ones that were still with us and the ones who had passed. She stated that as Cemetery Director for Maple Hill and the other cemeteries in the city, she wanted to recognize a group that had started Wreaths Across America in the city. She stated that they had had more than 200 persons come out and lay beautiful wreaths, noting that this was a great way to honor the veterans.

Ms. McKee asked Ms. Joy Parker to come forward, stating that she would give a presentation.

Ms. Parker stated that her group was affiliated with Wreaths Across America, which she noted was national and worldwide, noting that the group had placed 540,000 wreaths across the nation. She asked members of the committee to also come forward, noting that they were the persons who had made this happen in the city. She explained the origin of the program in the city. She introduced the committee members and

asked all the persons who had volunteered in this program to come forward and be recognized. She also thanked the City and the School System for the support they had provided for the program and recognized Michael's for their assistance with obtaining the wreaths. She also recognized many other persons and groups who had assisted so much in this endeavor, as well as the many volunteers.

President Russell stated that the next item on the agenda was a presentation by Ms. Beth Sippel, Board Chair of the Women's Business Center of North Alabama.

Ms. Sippel stated that she was honored to serve as the Board Chair for the Women's Business Center of North Alabama. She stated that she was accompanied by Ms. Joanne Randolph, who served as President and CEO of the organization. She stated that they were present at this time to thank the Administration and the Council for their support of the small businesses in the community. She continued that everyone was aware that these businesses were the backbone of the community.

Ms. Sippel stated that she wanted to recognize that this was the 10th year for this organization. She stated that this organization helped women, as well as men, start and grow a business, and that they were located on the third floor of the Chamber.

Ms. Sippel stated that she would like to share some of the highlights of this organization's prior fiscal year. She stated that they had trained and counseled more than 2100

individuals, with the assistance of dozens of coaches and volunteers. She continued that they had delivered 81 training sessions for business, that they had been awarded the fourth-year contract for the Advanced Defense Technology Cluster Initiative and had partnered with GEO Huntsville and Energy Huntsville, which she noted were two of the Mayor's initiatives, to host small business opportunity events. She continued that they had partnered with PRCA for the second annual Big Marketing event and that they had also partnered with Still Serving Veterans to host the second annual Empowering Veterans event.

Ms. Sippel stated that there were countless ways the volunteers had helped the organization throughout the year and stated that they could not do their work without the help of the volunteers, as well as others in Huntsville. She stated that they were looking forward to a great 2014.

Ms. Sippel stated that they had provided the impact statement for their organization to the Council members for their review. She again thanked them for their support.

President Russell stated that the next item on the agenda was Business with Outside Legal Representation.

President Russell stated that the first item under this was the Council decision on the Personnel Hearing for Mr. Brian Heath Maples, Water Pollution Control, held on December 12, 2013.

President Russell moved to uphold the decision of the

Personnel Committee in the matter, which motion was duly seconded by Councilman Olshefski.

Councilman Kling stated that, taking into account the military service Mr. Maples had provided to the community and taking into account that he had used some poor judgment, he would move to amend President Russell's motion to direct that the employee be enrolled in the City of Huntsville Employee Assistance Program for further review.

Said motion was duly seconded by Councilman Showers.

President Russell stated that there should be a vote on the motion he had made to uphold the decision of the Personnel Committee prior to any further action on the matter.

Councilman Kling withdrew the above motion;
Councilman Showers withdrew his second.

President Russell called for the vote on his motion to uphold the decision of the Personnel Committee in this matter, and the following vote resulted:

AYES: Culver, Olshefski, Russell

NAYS: Kling, Showers

President Russell stated that the motion had passed.

President Russell stated that the next item on the agenda was the Council decision on the Personnel Hearing for Mr. William Sweetman, Community Development, held on December 12, 2013.

President Russell moved to uphold the decision of the Personnel Committee in the above matter, which motion was duly

seconded by Councilman Olshefski.

Councilman Kling stated that, similar to the previous matter, he had an alternative motion to offer if President Russell's motion did not pass.

President Russell called for the vote on his motion to uphold the decision of the Personnel Committee in this matter, and the following vote resulted:

AYES: Olshefski, Russell

NAYS: Culver, Kling, Showers

President Russell stated that the motion had failed.

Councilman Kling stated that given the information that had come out in the hearing concerning the employee and accommodation in accordance with the Americans with Disabilities Act policies, he had a motion to make in this matter.

Councilman Kling moved that Mr. Sweetman not be terminated but sent to a different position in City government and that his salary would be frozen until such time as he was in a position that would be above his current salary.

Said motion was duly seconded by Councilman Showers.

President Russell asked Mr. Joffrion to advise him if Councilman Kling's motion was in order.

Mr. Joffrion stated that without there being a vacant, authorized, funded position into which Mr. Sweetman could be placed, and for which he was eligible, it would not be an appropriate motion. He stated that perhaps Mr. Byron Thomas,

Director of Human Resources, would like to speak to this matter.

President Russell recognized Mr. Thomas.

Mr. Thomas stated that that would be inappropriate, that an individual would have to apply for a position versus being put into a position. He stated that since Mr. Sweetman was not being accommodated through the Americans With Disabilities Act, he could not place him in another position.

Councilman Kling stated that he believed there was discussion during the hearing that Mr. Sweetman had actually been applying for lesser paying jobs for which it appeared he was qualified. He continued that considering the 11 months it had taken the City to provide the requested ADA telephone and given the fact that he had applied for a lesser paying position for which it appeared he was qualified, he felt there should be something the City could do to accommodate this employee. He continued that Mr. Sweetman had been employed by the City for approximately 20 years.

President Russell stated to Councilman Kling that he had a motion on the floor, which had been seconded by Councilman Showers, that appeared not to be appropriate. He asked Councilman Kling if he would like to withdraw his motion so that they could perhaps arrive at one that was appropriate. He stated that a suggestion had been made to hold the decision on this matter until the next Regular Meeting of the Council and that perhaps Councilman Kling could work on a motion to be

made at that time or perhaps someone else might have an idea concerning this matter.

Councilman Kling withdrew his previous motion;
Councilman Showers withdrew his second.

Councilman Culver stated that they had been down this road many times and that they certainly wanted to be fair to all the City employees, as well as non-employees who were applying for City positions. He stated that he would like to enter a new motion on this matter.

Councilman Culver moved to overturn the decision of the Personnel Committee in the matter of Mr. William Sweetman and to keep Mr. Sweetman in his current position and to provide him with the additional tools that he would need to do his job until another position would become available for which Mr. Sweetman could apply if he were qualified.

Said motion was duly seconded by Councilman Showers.

Councilman Culver stated that if his motion were to be passed, this matter would fall back on the Department of Human Resources and the Legal team to do whatever it might be that they would need to do to keep Mr. Sweetman employed with the City.

President Russell stated to Mr. Joffrion that

Councilman Culver's motion appeared to him to be appropriate,

noting that he could move to overturn the decision of the

Personnel Committee and to keep Mr. Sweetman in his same job.

He asked Mr. Joffrion if that was correct.

Mr. Joffrion replied in the affirmative. He continued that Mr. Sweetman had been terminated and that the Council was moving to overturn this termination. He asked if it was the will of the Council to impose any discipline at all in this matter or to just restore Mr. Sweetman to his position.

Councilman Culver stated that at this point in time, he was not looking to impose any discipline, due to the nature of the circumstances, noting that Mr. Sweetman was under the Americans With Disabilities Act, that this seemingly applied to him, and that he, for whatever reason, had apparently not had all the tools he needed in order to perform his job.

Councilman Culver reiterated that he was not recommending any disciplinary action but to restore Mr. Sweetman back to his position. He stated that, as he understood it, Mr. Sweetman was volunteering to move to another position when and if a new position would become available and if he were to apply and were to be qualified. He stated that in this way, the Council would not be usurping any future employees of the City of Huntsville or any current employees who might also apply for this same position. He stated that, as he understood it, the Council could not create a new position for Mr. Sweetman and asked if this was correct.

Mr. Thomas stated that they could not put any caveats on any individual, that all candidates were considered for any position as long as they met the minimum qualifications. He stated that Mr. Sweetman would have to apply, just like anyone

else, and that he would be considered along with anyone else, and if he were to be the most qualified person, then the department head, or whoever, would make the decision. He stated that the Council should not put any caveats on about any special consideration, noting that the City did not give special consideration for any individual.

Councilman Culver stated that that was correct and that was why he had made the particular motion he had made, to put this matter back on the Department of Human Resources and Community Development, to work with Mr. Sweetman and get him up to where he would be productive and would stay there. He continued that this was not to say that if Mr. Sweetman were to do something wrong or not to perform in his capacity, that new disciplinary procedures could not be brought against him. stated that he was saying that as of this date, he would want to leave Mr. Sweetman in the capacity in which he had been serving. He continued that when he said "with all the tools that he needed," this would include, but not be limited to, additional training and tools necessary for him to do his job, whatever that might be. He stated that he would hope they would have in Community Development administrative assistants or secretaries who could perhaps transcribe Mr. Sweetman's dictated reports.

Councilman Culver stated that he believed it was incumbent upon the City to provide every willing employee with whatever tools they needed in order to effectively do their jobs. He

stated that what he was hearing was that Mr. Sweetman was having difficulty with report writing. He stated that the City should be able to assist Mr. Sweetman, within reason, with what he needed in order to do his job.

Councilman Culver stated that that was his motion, without any caveats.

President Russell stated that as he understood

Councilman Culver's motion, it was to overturn the decision of
the Personnel Committee and put Mr. Sweetman back in his job.

Councilman Culver stated that that was correct, adding that it would be without any disciplinary proceedings.

Councilman Showers stated he wanted the record to reflect that when Mr. Sweetman went back to his position, he, in fact, would receive the necessary tools to do his job. He stated that the record had reflected that Mr. Sweetman had asked for help and had not received help in a timely manner. He stated that he would hope that as Mr. Sweetman went back to his position, the City would accommodate him with the necessary needs in order to do his job.

Councilman Kling stated that in the hearing it had come out that the employee had been trying to apply for lesser paying jobs because there appeared to be issues between the employee and the supervisor. He asked Mr. Joffrion if there was any way they could put a caveat in that if the employee did go to a lesser paying job, he could be redlined and his salary would remain level to what it was at this time.

Mr. Joffrion replied in the negative.

Councilman Kling inquired if this would be correct even if it appeared that it was not just going for another job but, rather, attempting to get out of the department in which he was working.

Mr. Joffrion replied in the affirmative.

President Russell called for the vote on Councilman Culver's motion, and the following vote resulted:

AYES: Culver, Kling, Showers

NAYS: Olshefski, Russell

President Russell stated that the motion had passed.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-882, amending Article 3, Definitions; amending Articles 23, 24, 25, 40, and 44, Uses Permitted; and amending Article 73, Supplementary Regulations, by adding regulations concerning Mobile Food Vending Units, which hearing was set at the November 7, 2013, Regular Council Meeting.

President Russell asked Ms. Ashley Nichols of the Planning Department for an explanation of the above ordinance.

Ms. Nichols stated that the proposed ordinance was to add regulations concerning Mobile Food Vending Units. She stated that the City did not have regulations for Mobile Food Vending Units, which she noted were commonly known as "Food Trucks,"

within the current zoning ordinance.

Ms. Nichols stated that a "Mobile Food Vending Unit" was defined as "A trailer or motorized vehicle designed to be portable and not permanently attached to the ground, from which only prepared food or beverages are peddled, vended, sold, displayed, offered for sale, or given away." She continued that a "Mobile Food Vending Site" was defined as "A collection of Mobile Food Vending Units clustered together on a single lot or parcel of land under common ownership or control."

Ms. Nichols stated that the zoning ordinance amendment was proposing to add Mobile Food Vending Units within the following districts: General Business C-3 District, Highway Business C-4 District, Commercial Recreation C-5 District, Commercial Industrial Park District, Light Industry District, and Heavy Industry District. She stated that they were proposing the following hours for the respective districts: 6 a.m. to 10 p.m. Sunday through Wednesday, and 6 a.m. to 2 a.m. Thursday through Sunday.

Ms. Nichols stated that the regulations for Mobile Food
Vending Units included the following: "A minimum buffer of
100 feet as measured from the primary entrance of existing
restaurants, cafes, and other food-related establishments.

Vendors must provide public facilities no more than 500 feet in
distance for employees of each Mobile Food Vending Unit. On
major arterials, Mobile Food Vending Units shall be removed
from the premises each night and are not permitted to operate

in the required front yard."

Ms. Nichols stated that the Mobile Food Vending Units also must have written permission to be on private property. She continued that there would be no audible forms of entertainment, including music and loud speakers. She stated that all on-site preparation must be performed inside the primary vending unit only.

President Russell asked if there was anyone in the audience who wished to address the Council on this particular issue.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that her biggest question about this matter was if the Health Department had sufficient employees to check on these mobile units that appeared to be everywhere, inside the city and outside the city. She stated that she was familiar with the Health Department and knew that they were not able to take care of what they had at this time. She asked who would make sure that the Health Department checked these vendors, noting that they did not want any sickness and deaths happening in the city because of bad food from these units. She asked who would assure the citizens that the Health Department would do a good job taking care of this matter.

President Russell asked if there was anyone else in the audience who wished to address the Council on this matter.

Mr. Isaiah Ashe, 1617 Brook Hollow Circle, appeared before the Council, stating that he believed the ordinance under

discussion was similar to what had been presented in "The Birmingham News" earlier in the week, concerning the problems they were having with mobile units. He stated that he agreed with Ms. Reed in her statements concerning the Health Department, noting that he was a former employee of the Health Department and was aware of the regulations required in regulating the trucks. He stated that the Health Department did not have very many employees at this time, noting that the number had been low when he left the department and it continued to be low. He stated that he believed these were questions they needed to consider when they talked about the food units. He stated that these were all over and that they could not be stopped, because this was revenue for the City. He stated that, however, they did need to determine that they had adequate personnel to handle this.

President Russell asked if there was anyone else in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance
No. 13-882, amending Article 3, Definitions; amending Articles
23, 24, 25, 40, and 44, Uses Permitted; and amending Article
73, Supplementary Regulations, by adding regulations concerning
Mobile Food Vending Units, which ordinance was introduced at

the November 7, 2013, Regular Council Meeting, as follows: (ORDINANCE NO. 13-882)

Said motion was duly seconded by Councilman Showers.

President Russell stated to Ms. Nichols that there had been questions concerning the Health Department and asked if she had been in contact with the Health Department and if she could shed some light on the questions that had been asked.

Ms. Nichols stated that all food preparation would be regulated by the Madison County Health Department, noting that this was under their jurisdiction. She stated, concerning the restroom facilities, that this was not only a County requirement but also a State Department of Public Health requirement. She continued that they also had guidelines set forth by the State Department of Health that they had to follow, as well.

Councilman Culver asked Ms. Nichols if there was any reason why there was a restriction of 2 a.m. on the hours of operation of these units on Thursday, Friday, and Saturday.

Ms. Nichols replied in the affirmative, stating that they had done an analysis of this and that the hours were pretty similar to most other cities the size of Huntsville, as well as larger cities. She stated that there was a limit on hours, with most of them ending at 2 a.m., although she had seen hours as late as 3 a.m.

Ms. Nichols stated that they had collaborated with the City of Huntsville Police Department and they had agreed that

these hours were sufficient for business.

Councilman Culver stated that his reason for inquiring concerning this was because the food vendors were providing a great service, noting that if some of the persons who might party a little bit and were getting out of the clubs at 2:30 or 3 a.m. in the morning could get some food, it would slow the absorption of the alcohol into their bloodstream, which would mean that perhaps they would not have an accident. He stated that this was just something to think about.

Ms. Nichols stated that with their collaboration with the Police Department and also evaluating previous issues they had had with prior food vendors who might no longer be in business, they did not feel the hours should be extended any later, that 2 a.m. was more than sufficient. She stated that this also ran concurrent with the Entertainment District, as well.

Councilman Culver asked Ms. Nichols if persons were already in line and the vendor was wrapping up at 2 a.m. and perhaps it would run over a little bit, if there would be strict adherence to this. He asked if someone were on the Square and the clubs were closed and the mobile food vending unit already had a line, if they could go ahead and handle these customers.

Ms. Nichols stated that police enforcement would regulate this.

Councilman Olshefski stated that he had been a part of the process in working on this matter and stated to Mayor Battle

that he appreciated all the efforts the Administration had put into it. He stated that he believed they had checked into every aspect of this matter and noted that they would continue to grow with this, that there would be something to learn from it, just as there was with everything else in the city.

President Russell called for the vote on Ordinance No. 13-882, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-884, rezoning property lying east of Highway 53 and on the north side of Mastin Lake Road from Commercial Industrial Park District to Highway Business C-4 District, which hearing was set at the November 7, 2013, Regular Council Meeting.

President Russell asked Ms. Lisa Leddo of the Planning Division for an explanation of the above ordinance.

Ms. Leddo stated that this was 19.29 acres of property, indicating the area on a displayed map. She stated that it was on the north side of Mastin Lake Road and east of Highway 53. She stated that the rezoning request was from Commercial Industrial Park District to Highway Business C-4 District. She stated that this was vacant land and was the site of a proposed commercial development.

Ms. Leddo stated that the Planning Commission had recommended approval of the proposed rezoning.

President Russell asked if there was anyone in the audience who wished to comment on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance
No. 13-884, rezoning property lying east of Highway 53 and on
the north side of Mastin Lake Road from Commercial Industrial
Park District to Highway Business C-4 District, which ordinance
was introduced at the November 7, 2013, Regular Council
Meeting, as follows:

(ORDINANCE NO. 13-884)

Said motion was duly seconded by Councilman Culver.

Councilman Showers asked Ms. Leddo to advise the public as to what was being proposed for this site.

Ms. Leddo stated that the property owner had advised them that a funeral home was proposed for the site.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-886, amending the approved concept plan for The Villas at the Timbers Edge Planned Development, formerly the Timbers Edge Second Addition Planned Development, to change the housing type from 56 quad and duplex ranch condominium units to 53 single-family, detached homes, and also amending the Unified Control Agreement to reflect the new ownership of the property, which hearing was set at the November 7, 2013, Regular Council

Meeting.

President Russell asked Ms. Leddo for an explanation of the above ordinance.

Ms. Leddo stated that this property was formerly The Timbers Edge Second Addition Planned Development, which had been approved in 2008. She stated that this development had been a total of 56 ranch condo units, and that as the owner was developing the property, the streets and infrastructure were in, and that, in fact, some of the concrete pads were in for some of the units. She continued that this owner had lost the property to foreclosure and stated that there were at this time new property owners and that they had submitted "The Villas at Timbers Edge" and they had changed it to 53 single-family, detached units. She indicated this on the displayed map and stated that they would keep the same infrastructure and street configuration but there would be single-family, detached homes rather than the attached ranch condos.

Ms. Leddo stated that the Planning Commission had recommended approval of this change.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell moved for approval of Ordinance

No. 13-886, amending the approved concept plan for The Villas at Timbers Edge Planned Development, formerly Timbers Edge Second Addition Planned Development, to change the housing type from 56 quad and duplex ranch condominium units to 53 single-family, detached homes, and also amending the Unified Control Agreement to reflect the new ownership of the property, which ordinance was introduced at the November 7, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-886)

Said motion was duly seconded by Councilman Kling.

Councilman Showers stated to Ms. Leddo that she had mentioned that there were concrete slabs in place on the property and asked how this would affect the units to be constructed.

Ms. Leddo stated that the concrete slabs would have to be removed, noting that they would not fit with the new house plans. She continued that the owners would have to remove these at their cost but noted that they planned on keeping the remainder of the street configuration and infrastructure.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-888, rezoning property lying generally on the west side of King Drake Road and north of Caldwell Lane from Planned Development-Housing District, LUI Rating 37, to Residence 1-A

District, which hearing was set at the November 7, 2013, Regular Council Meeting.

President Russell asked Ms. Leddo for an explanation of the above ordinance.

Ms. Leddo stated that this was 0.91 acre, indicating the property on a displayed map. She stated that this was originally part of The Timbers Edge Planned Development and that when the ownership had changed, the owner of this particular piece of property, which she noted was part of the larger tract, had decided not to join in with the Planned Development and, therefore, his property needed to revert back to its previous Residence 1-A District.

Ms. Leddo stated that the Planning Department had recommended approval of this.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance
No. 13-888, rezoning property lying generally on the west side
of King Drake Road and north of Caldwell Lane from Planned
Development-Housing District, LUI Rating 37, to Residence 1-A
District, which ordinance was introduced at the November 7,
2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-888)

Said motion was duly seconded by Councilman Culver.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-890, zoning newly annexed land lying generally north and south of Huntsville Brownsferry Road, east of Mooresville Road, and north of I-565 as Residence 1-A District, Residence 1-B District, Residence 2 District, Residence 2-B District, Neighborhood Business C-1 District, Highway Business C-4 District, Commercial Industrial Park District, Research Park Applications 2 District, and Planned Industrial District, and also rezoning property from Residence 2-A District to Residence 2-B District and from Residence 2-A District to Commercial Industrial Park District, which hearing was set at the November 7, 2013, Regular Council Meeting.

President Russell asked Ms. Leddo for an explanation of the above ordinance.

Ms. Leddo stated that this was part of the implementation of the Master Plan for western annexed land in Limestone County. She stated that an update to the Huntsville Annexed Lands Master Plan had been adopted by the Planning Commission in August of 2013, noting that a part of this was a change in the zoning. She stated that this was actually Phase Two of the zoning of these annexed lands. She stated that what one saw,

as displayed, was the overall plan, noting that the area they were talking about at this time was primarily in the area of the option tract. She indicated this area on the displayed map and noted that one could see that there were various zoning districts.

Ms. Leddo stated that this was a total of 5,774.5 acres that was under consideration at this time. She stated that of this acreage, 941.7 acres were proposed to be zoned Residence 1-A District; 192 acres, Residence 1-B District; 498.6 acres, Residence 2 District; 202 acres, Residence 2-B District; 84.2 acres, Neighborhood District C-1; 560.9 acres, Highway Business C-4 District; 457.6 acres, Commercial Industrial Park; 290.8 acres, Research Park Applications 2 District; and 2,237.1 acres, Planned Industrial District. She stated that the rezoning portion was from Residence 2-A District to Commercial Industrial Park, for 300.6 acres, and from Residence 2-A to Residence 2-B, for a total of 9 acres. She indicated the area on a displayed map.

Ms. Leddo stated that the Planning Commission had recommended approval of the above ordinance.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

Ms. Jackie Reed again appeared before the Council, stating that she had attended a meeting with the Planning Department and had had some questions at that time. She asked who owned

this property, if the City of Huntsville owned any of it. She asked if this included any of the 1500 acres that the City had purchased from the Sewell family for \$35 million.

President Russell asked Ms. Leddo if the City owned any of this property.

Ms. Leddo stated that if they did, it was a very small portion. She stated that there was a small tract that had been donated by the McDonald Family. She stated that these properties still lay in the hands of the larger property owners in the area, primarily the McDonalds, the Sewells, and the Hortons. She stated that the Sewells were still in charge of the option tract which was approximately 1500 acres. She indicated the area on a displayed map.

Mayor Battle stated to Ms. Reed that the City did not own the Sewell property, that they had never owned it, that they only had an option on it.

Ms. Reed stated that her question at the Planning

Department had been if the City was making plans for 1500 acres

for which they had not yet paid.

President Russell asked if there was anyone else in the audience who wished to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance

No. 13-890, zoning newly annexed land lying generally north and south of Huntsville Brownsferry Road, east of Mooresville Road, and north of I-565 as Residence 1-A District, Residence 1-B District, Residence 2 District, Residence 2-B District, Neighborhood Business C-1 District, Highway Business C-4 District, Commercial Industrial Park District, Research Park Applications 2 District, and Planned Industrial District, and also rezoning property from Residence 2-A District to Residence 2-B District and from Residence 2-A District to Commercial Industrial Park District, which ordinance was introduced at the November 7, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-890)

Said motion was duly seconded by Councilman Kling.

Councilman Culver stated that he was excited about this but that he did have a concern about the Planned Industrial District. He asked if this was like Light Industry.

Ms. Leddo stated that it was a much better district than Light Industry District, noting that the Planned Industrial District had performance controls and Light Industry did not. She stated that that was where they ran into problems, when they did not have performance controls. She stated that a Planned Industrial District was basically what the name said, that it was a planned industrial district. She stated that it would be a much higher quality industrial district than a typical Light Industry District.

Councilman Culver stated that this had concerned him

because of all the various residential areas in proximity to this. He stated that, however, it appeared they had this under control.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that there were no Public Hearings to be Set.

President Russell stated that the next item on the agenda was Communications from the Public and stated that persons would have three minutes to address the Council. He continued that because of the number of persons signed up to speak, they would adhere to the three-minute rule for this meeting.

Mr. Dave Hargrove, 7141 Jump Street, appeared before the Council, stating that he was present as Chair of the Huntsville Committee of 100 to address the sales tax issue. He thanked Mayor Battle for his persistence in informing the community about the need and urgency for the road improvements in the city. He stated that while this sometimes had caused friction with the State Transportation Department, that to Mayor Battle's credit, he had stayed in contact and in constructive dialogue with Director John Cooper and that this had led to the proposal the Council would consider at this meeting.

Mr. Hargrove stated that everyone had been frustrated several months prior when they had learned that the State road projects would be delayed. He stated that for that reason, the

Committee of 100 had asked Director Cooper to meet with their leadership to explain the situation. He continued that Director Cooper was from this area and probably knew the economy and infrastructure needs of the area better than most persons. He stated that Director Cooper had made it clear to them that he was not going to run a department that over promised and under delivered. He continued that they had learned pretty quickly in that meeting that the situation on road funding in Alabama was bleak, with no significant change in sight. He stated that they did not adequately fund infrastructure in the state and that when demand exceeded supply, there was a system that could be corrupted by politics. He continued that it was a matter of whichever squeaky wheel squeaked the loudest and that every community in the state squeaked, including Huntsville and the three other major metro areas.

Mr. Hargrove stated that if the persons present were polled and asked who wanted a 1 percent sales tax increase in Huntsville, he would doubt that anyone would raise their hand, noting that he would not. He stated that, however, this was not about wanting or about wishing that things were different or easier, that it was about whether the Huntsville metro area would have an infrastructure that could continue to move traffic efficiently and safely and whether it would encourage and not discourage economic development. He stated that opportunity looked for communities that proactively addressed

needs and not communities that made excuses and wished things were different.

Mr. Hargrove stated that the area's infrastructure would need more than the State would provide for many years to come and that a 50-50 split with the State on these key projects during the upcoming five years was the best and only deal on the table. He stated that the plan was "Pay as We Go," and that it addressed major gateways in and out of the city. He stated that it was estimated that between 25 and 35 percent of the monies would come from persons who did not live in the city of Huntsville, helping ensure that those persons who used the roads most would help pay for them.

Mr. Hargrove stated that perhaps most important was that if they did not start paying for the roads at this time, they would pay much more later, as road construction costs continued to increase.

Mr. Hargrove stated that the Committee of 100 encouraged the Council to not only support this plan but to do it unanimously.

Mr. Rusty Loiselle, Hearthstone Circle, appeared before the Council, stating that he was with Help the Homeless Veterans. He stated that at this time he was appearing before the Council to save all of them some time. He stated that a close friend of his, Dr. Harry Hobbs, had come to him the prior week and informed him that some City officials had been asking, "Who is Rusty Loiselle?" He stated that he guessed when one

asked for an accurate accounting of taxpayer dollars, one was perceived as a troublemaker. He stated that it was easy to try to dig up dirt on a person asking questions.

Mr. Loiselle stated that Dr. Hobbs had told him that the CAFY organization was in jeopardy of losing some funding because of Dr. Hobbs' association with him. He stated that CAFY's goal was to give Madison County youth the tools necessary to become successful adults. He stated that he had helped set up this organization, that he had been there since Day One. He continued that because of the efforts to attempt to dig up some kind of dirt on him, that after years of helping to build this organization, he and his wife had stepped away from it, noting that he would not want any children to suffer because of the narrow-mindedness of an elected official.

Mr. Loiselle stated that in order to save the officials some time, he was going to tell them who he was. He stated that he was a taxpayer. He continued that the last time he had checked, all the elected officials had been put into office in order to help all the citizens, whether they had a home or not. He stated further that he was a Navy veteran, with an honorable discharge; that he was a dive master, rescue diver, and MEDIC First Aid. He stated that upon his retirement, he had been a member of the Professional Association of Diving Instructors and had been involved in numerous underwater cleanup operations. He stated that for years, he was a member of the United Stated Judo Association and that he had trained police

forces and had also offered self-defense classes to the homeless. He continued that he was retired from the construction trades, noting that he had served on corporate boards and managed more than 200 structures at one time, with his staff. He stated that he had been very active in the Junior ROTC at Columbia High School, having worked alongside Chief Hobbs, Col. Thurman, and Major Mike. He stated that at this time he was retired and that he dedicated his life to standing up for those who needed it.

Mr. Loiselle stated that the homeless veterans were treated like dirt, noting that, of course, the Council members did not see that, that they saw all the money that was funneled into organizations that were supposed to help and that they painted a beautiful picture of all the great things they were doing. He continued that until one got out in the woods or in the Downtown Rescue Mission and talked to these persons directly, rather than talking to the staff that was getting paid, one would never really know what was going on. He stated that they would always hear the peaches-and-cream stories which were usually followed up with, "We need more money." He stated that if they could just open up their minds to some common-sense solutions, some of these problems might be fixed.

Mr. Loiselle stated that if anyone wanted to know anything else about him, they did not have to go to Harry Hobbs, that they could go straight to him.

Ms. Tara Bunyan, 1222 Kingsway Road, appeared before the

Council, and read the following: "Twas the night before Christmas in scenic Huntsville; the people fast asleep, warm, cozy, and still, their dreamings filled with visions of a happy Christmas morn, with a tasty breakfast, hot chocolate, and presents galore. 'That's what Christmas is all about,' they'll say, 'and we wouldn't have it any other way.' Fun, family, food, and good cheer; not to mention Ipads, gift cards, toys, and sports gear.

"'But what about giving to those in need,' we reply, 'or is that a tradition that you have slowly let die?'"

"'Oh, no,' say the people. 'We give to United Way, and we drop change in buckets; and we'll volunteer some day. Besides, those people live in countries far away. Here in America, who cares, as long as I'm okay?'"

"We ask them if, by chance, they have seen any poor walking down the road or outside the shelter door. They scoff at us and turn their heads away. 'I'm sure there are jobs for them if they wouldn't drink all day.'

"'But what about the veterans who have served our country's needs? Don't you think it's wrong to see them living on the street?' For them, not much chance of a visit from St. Nick. On Christmas, he spends time going down chimneys made of brick.

"Except, of course, for a caring few who visit them each week, not in a sled but an SUV instead. He brings them friendship, food.

"Long ago, a man traveled with a pregnant wife and found no rooms in town. He slept that night, too, in an humble place, but the child born there made it holy ground."

Ms. Bunyan stated that she would like to thank the Council for allowing her to add her voice to those of others who had appeared before the Council previously. She stated that the Council members might think that the small group of persons speaking before the Council about the homeless were the only ones concerned but noted that she would like to use the rest of her time to say "Thank you" to all the persons who had joined them in support but were unable to be present at the meeting at this time. She enumerated several people who were assisting in this, noting that these were just a few of the hundreds of people who had helped them and were continuing to help them.

Ms. Bunyan stated that they would not be able to continue this endeavor if the homeless were run out of the only meager shelter they had, which she noted was Tent City. She stated that Huntsville had the opportunity to show the world that it deserved the designation of a "Compassion Action City." She asked that they not fail those persons who had put their faith in this city, this country, and in their fellow man.

Mr. Eric Broyles, 871 Mill Road, appeared before the Council, stating that he was present to express his interest in not making the residents of Tent City relocate during the coldest part of the year. He stated that, to the best of his knowledge, this date was set for January 1, noting that

hopefully the Council might be able to advise him if this was going to continue as scheduled.

Mr. Broyles stated if this was going to be done, he would like to know why it was going to be done, and, more specifically, why it needed to be in the harshest part of the year. He stated that that was not compassion and that he did not feel it was what this city was about, that they wanted to treat their neighbors as themselves, and that persons would not want to be forced to relocate at such a harsh time of the year.

Ms. Gabby Vibbert, Maple Hill Road, appeared before the Council, stating that on any given night, 633,000 persons were without a place to call home, according to the National Alliance to End Homelessness. She continued that 22 percent of these were children under the age of 18, 13 percent were veterans, and 42 percent were disabled. She stated that an article entitled "Five Myths About America's Homeless" in "The Washington Post" stated, "For two decades, the goal of our homeless programs was to first treat people for their myriad afflictions, substance abuse, say, or illness, and hope this would lead them out of homelessness." She continued that at this time their attention had switched to the end game: Get people back into housing as quickly as possible and the treatment for everything else can follow, and with greater benefits.

Ms. Vibbert stated that the problem appeared to be in managing homelessness rather than ending it. She stated that

when she said "managing," she meant that they dumped money into rescue missions and temporary shelters rather than permanent housing. She stated that United Way of Greater Los Angeles had found that it was 43 percent more effective to provide homeless individuals the support of housing than to leave them on the streets, constantly cycling in and out of costly emergency rooms and jails. She stated that this also showed that 80 percent of persons in permanent supported housing stayed off the streets for good.

Ms. Vibbert stated that many persons held the notion that homeless persons were dirty alcoholics standing on a street corner begging for money to buy another drink. She stated that this was not always the case, nor was it the main cause, noting that other factors included poverty, lack of affordable housing, job loss, lack of health care, mental illness, and domestic abuse. She stated that many of Huntsville's homeless persons were willing to work, which she noted would help pay for housing if it were available. She stated that one individual was currently making bracelets to sustain an income. She stated that this person was currently trying to raise enough money to buy pedals for his bicycle and to help with other expenses, including paying for a book from the library that had gotten ruined in the rain at Tent City. She stated that another lady did beautiful art work and accepted donations of art supplies.

Ms. Vibbert stated that to her these persons did not sound

like individuals who sat on the sidewalk begging for money to buy their next drink, that they sounded like individuals who deserved a helping hand up and not a push down, by being arrested and harassed.

Ms. Vibbert stated that she would suggest to the City a site for these persons that provided running water for bathrooms and showers while plans for permanent housing were in the making. She stated that there were volunteers willing to help build the site for Tent City to allow for the bathrooms and showers if the City would be willing to provide the land and access to a water supply. She stated, concerning permanent housing, that there were grants available to turn unused buildings into permanent living quarters for the homeless. She stated that she believed this would be a great opportunity to make use of empty buildings and solve issues they were having at Tent City. She stated if persons would first get to know whom they planned to help, then they would know what they would need help with.

President Russell asked Chief Morris to come to the microphone. He stated that the Council needed an update on what was going on with Tent City and asked if Chief Morris or someone on his staff could provide this information. He stated that Mr. Broyles had asked a couple of questions concerning why homeless people had to leave Tent City and who was making them do so.

Chief Morris appeared before the Council, stating that

they were not going to forcibly move anyone out of Tent City, noting that they were working with the homeless advocacy groups. He stated that he had met with Mr. Richards from Oxford House recently, to attempt to place all these persons. He stated that some persons simply did not want to live anywhere but outside. He stated that the property that was under discussion was State property and that the State had said they wanted these persons moved but that they were working with them on this.

Chief Morris stated that they had talked to Dr. Robey to address any health issues. He stated that this was not a simple problem to solve but noted that they had been working with persons whom they felt could best help them to relocate all the persons who were living at this site. He continued that there were not as many persons at that location as there had been in the past. He stated that, as far as just going in the area and packing everyone up and moving them, they were not going to do that.

Ms. Terri Michal, 115 Mill Creek Crossing in Madison, appeared before the Council, noting that it was true that she did not live in the city, but since her personal information had been brought up, she wanted to tell the Council that she had lived in the city, and that her mother, brother, and niece lived in Huntsville. She stated that her children had attended Huntsville City schools and that she had been employed by businesses in Huntsville and for several years had owned a

business located on Meridian Street. She stated that she had paid plenty of taxes and that she continued to pay her share of sales tax.

Ms. Michal stated that if her ties were not enough to justify her presence at the meeting at this time, she would tell them about her last year and a half in Huntsville. She stated that when she had worked with an advocacy group, her eyes had been opened to the plight of the students on the North side of the city. She stated that she had had parents and students alike coming to her with stories of harassment, and in some cases outright violence, that was being ignored by the School System. She stated that she had felt there must have been a communication problem, that the schools would not ignore these things.

Ms. Michal stated that she had then begun advocating on her own, through her own organization, SOS, Support our Students, and that she had been shocked to learn that yes, in many instances, the Administration was more than happy to have problems and issues dropped, that no resolution was necessary. She stated that evidently they hoped the parents would get frustrated and just walk away.

Ms. Michal stated that this had led her to her dealings with the School Board and that she had thought that surely they would not want this. She stated that she had learned that the school administrations were a reflection of the School Board and the Superintendent, that not only had citizens been hitting

their heads against a brick wall when it came to issues of bullying and violence, but that it was now very apparent that the lack of transparency continued in all areas when it came to the North part of the city. She continued that the Johnson High School matter was a prime example of this.

Ms. Michal stated that now her group was coming to the Council with this matter. She stated that, as everyone was aware, strong schools played a major role in attracting new businesses and families to the city. She asked what the parents and the students on the North end of the city got when they came to the Council. She continued that they got a Mayor who supported teachers that had no education degree working in the schools, that they got politicians who appeared to care more about their political agendas than they did about actually helping, that they got persons who were more than willing to turn a deaf ear because they were afraid to touch anything attached to the word "race." She continued that they got way too many people willing to rubber-stamp the corporate agenda at the BOE without doing any research into the false words that were attributed to the movement she represented.

Ms. Michal stated that at this time she was asking the Council to please stop ignoring the race issues in the city. She stated that there were stereotypes flying from both the North to the South and from the South to the North. She stated that perhaps she recognized this because she was an outsider. She stated that they needed an open dialogue that would not

seek to mask things or change an entire community or people.

She stated that this was not a matter of saying one way of life was right or wrong but was a matter of respecting other persons' opinions and viewpoints, that it was about respecting everyone and getting everyone a place at the table.

She stated that there were persons of different races and that they came from different perspectives that were mostly ingrained in them as children. She stated that only through a willingness to walk in another's shoes would they make the schools, the students, and the City strong. She implored the Council members to stop with the stereotyping and outdated notions of what others were like and reach out to determine the truth. She stated that when there were business persons and politicians trying to be progressive in moving the city forward with thoughts and ideals that were very suppressive to certain communities, she was afraid this was just not going to add up.

Ms. Michal stated that when it came down to the taxpaying citizens, everyone wanted the same thing: A safe neighborhood, a good job, happy kids, and excellent schools. She stated that this was within reach if they would just choose to have real dialogue, with real solutions. She stated that when they refused to talk about race issues, things turned quickly into racism. She continued that they could not allow this to keep happening.

Mr. Elbert Peters, 1701 Jeannette Circle, appeared before the Council, speaking concerning the proposed 9 percent sales

tax. He stated that many persons were opposed to a tax, under any circumstances, but noted that there were two things the Council could do to mitigate the opposition to this tax. He continued that one would be to use all the money for roads and the other would be to end the tax no later than five years after its commencement.

Mr. Peters stated that one thing they could think about as far as using all the money for roads was North Parkway. He stated that South Parkway was either controlled access with four lanes, plus four additional lanes as service roads, for a total of eight lanes, or six lanes where there was not controlled access, all the way to the river bridge. He stated that when one went north past Mastin Lake Road, it went down to four lanes very quickly.

Mr. Peters stated that one thing he felt they could do with the extra money that would be coming in each calendar year would be to do some projects concerning that road. He stated that if they could get matching funds from the State concerning this, that would be fine, but if they could not, they should go ahead and six-lane North Parkway from Mastin Lake at least to Meridianville. He stated that if they used the center lane, the median, and put a concrete barrier there, there was plenty of right-of-way.

Mr. Peters stated that this was one recommendation for using the extra money on the roads, noting that it was important to many citizens that all of this money would be used

for roads.

Mr. Peters reiterated that his second point was stopping this tax at the end of five years. He stated that they did not know what the economic situation at the State level would be at that time, that they really could not project what the situation would be in five years. He suggested that it be ended at that time and noted that they could then determine what the situation would be, and if the tax would be needed, they could start it up again.

Mr. Paul Proctor, 3109 Gayhart Drive, appeared before the Council, stating that he had questions referencing the Town Hall meeting that had been held the prior Tuesday. He stated that at this meeting it had been mentioned that the City had potential issues with property rights in reference to the Mastin Lake Road and North Parkway construction. He asked if the residents who could potentially be affected by this had been notified.

Mr. Proctor stated that his second question was why the drawings were still at the Department of Transportation.

President Russell asked Mr. Shane Davis to introduce himself and answer Mr. Proctor's questions.

Mr. Davis appeared before the Council, stating that he was the Director of Urban Development. He stated that he believed the reference they had made at the meeting Mr. Proctor had referred to concerned the letting, or the start, of the Mastin Lake project that was proposed in the five-year plan.

He stated that what they were referring to was that the design would begin should the matter be passed by the Council. He continued that the only other thing that could delay the start was the acquisition of right-of-way. He continued that it was his understanding that in the current alignment the State had proposed, no houses would be taken.

Ms. Brenda Waller, 1300 Teenajo Drive, appeared before the Council, stating that she was opposed to the one-cent sales tax increase, noting that she still got sticker shock over the amount she had to pay with the eight percent tax. She stated that this was a time when people were distracted, that it was Christmas and was busy, and she felt that something this big should not be done during this time of the year. She stated that more people should be made aware of what was going on and this matter should not be rushed through.

Mr. Isaiah Ashe, 1617 Brook Hollow Circle, appeared before the Council, stating that he had two concerns having to do with street repair. He stated that on Clubview Drive, south of Oakwood Avenue, the street had been in disrepair for almost three months. He stated that he had had a glimmer of hope on the prior day when the City had come out and he had seen the asphalt, just the corners of it, so that the vehicles would not experience a dip.

Mr. Ashe stated that he had had to take several detours in going from Clubview Drive to Brook Hollow to his home, noting that he had had to take University because the roads were in

such disrepair. He questioned how long it was going to take the City to repair this street, noting that it appeared to be almost piecemeal, that they would just put the asphalt in the corners so that the vehicles would not experience a lot of bumps.

Mr. Ashe stated that his next issue concerned a vacant house that was located next door to his house. He stated that a few weeks prior there had been a burst water line and the City had come out and repaired the line but stated that the problem was that when all that water came toward his property, it brought a lot of mud, soil, et cetera. He stated he had called the City and asked if they would sweep this up and that the individual to whom he spoke had advised him that the City no longer had a street sweeper. He stated that, therefore, he had had to sweep all of that dirt and mud to the curb level. He stated that this was almost 40 pounds, and noted that he was aware the City did not lift over 50 pounds but he was glad they had picked this up. He stated that earlier in the day, he had had to continue with this because there was so much mud remaining to be swept up and bagged so the City would pick it up the following week.

Mr. Ashe stated that this was on City property and questioned why he had to clean it up, why the City could not clean this up.

President Russell asked Mr. Terry Hatfield, Director of Public Works, if he would explain how such situations were

handled and then afterwards meet with Mr. Ashe concerning this matter.

Mr. Hatfield stated that Clubview Drive was on their list to be resurfaced. He continued that before streets were resurfaced, Water Pollution Control would go out and check the sewers and make any repairs. He stated that this was on the bid list and they were waiting for the contractor to continue, noting that they were still working on clearing some streets.

Mr. Hatfield stated to Mr. Ashe that he was not aware of whom he had spoken to concerning the street sweeping, noting that they did in some cases do street sweeping.

Mr. Ashe stated that he had been referred to the Utilities Department.

President Russell asked Mr Hatfield to make sure that Mr. Ashe got taken care of concerning this matter.

Mr. John Southerland, 136 Breakwater Drive, appeared before the Council, stating that he was appearing as an employee of the Chamber of Commerce of Huntsville-Madison County, where he served as Director of Cummings Research Park. He stated that on behalf of the Chamber, he would like to talk about the proposed tax increase. He stated that on December 3, the Chamber's Board of Directors, representing more than 2100 other member businesses and organizations, had unanimously approved to support the one percent sales tax increase in the city to support ongoing infrastructure improvements and road projects.

Mr. Southerland stated that the mission of the Chamber was to promote and premier the community for economic growth in the areas of the country where they recruited industry and people. He stated that their great selling points had been the City's short commute times, combined with a very modest cost of living, a vibrant arts community, great schools, and affordable and diverse health care offerings.

Mr. Southerland stated that at this time this was the fastest growing community in Alabama, located in the fastest growing region of the United States. He stated that they expected to see continued growth of jobs and population.

Mr. Southerland stated that in 1990 the Huntsville metropolitan statistical area, which he noted included Madison and Limestone counties, the city of Huntsville, and the city of Madison, was comprised of 294,353 residents. He stated that by 2000 this number had increased to 343,972, and that in the 2010 Census, the Huntsville metro was at 417,593. He stated that the last recorded census estimate in 2012 showed that the Huntsville metro population had increased to 430,734 persons.

Mr. Southerland stated that they were aware that the growth was there, noting that a 20- or 22-year trend was more than a trend. He stated that the growth in Huntsville and this area accounted for approximately 25 percent of the growth in all of Alabama since 1990.

Mr. Southerland stated that they also needed to consider that 43,000 persons drove into the community every day from

outside the two-county metro. He stated that the area was growing, that the roads were already more crowded than ever before and that the traffic buildup in the city would not stop and would not resolve itself. He stated that it was up to the Council to continue to do what the community had historically done very well, and that was to invest in the future.

Mr. Southerland stated that a metro area that Huntsville compared itself to because it was also a knowledge-based community was Austin, Texas. He stated that Austin had long been considered one of the best places to live, work, and play, but that they had not invested in their infrastructure and that a report had come out in the current week showing that for them to be able to move traffic in one of the most heavily congested areas in the United States, they would have to remove approximately 40 percent of the traffic off of the roads just to be able to move traffic during the workday.

Mr. Southerland stated that Austin had missed its chance and urged the Council not to miss Huntsville's.

Mr. Gary Brashers, 405 Thornton Avenue, appeared before the Council, expressing appreciation for once again being allowed to speak. He stated to Councilman Showers that he had intended to go to his Town Hall meeting but had not made it. He stated that he understood there had been a somewhat larger group than Councilman Kling had had at his meeting.

Mr. Brashers asked the Council to stand in the gap for those persons who were not part of the Chamber. He stated that

"liberty" and "freedom" were not the same thing, that "liberty" was "freedom plus morality." He stated that that shared morality was that persons would not lie, would not steal, and would not murder. He stated that this was the thing that said a person was free to do whatever it was they wanted to do but that they would not do so because some things were wrong. He stated that there were only two things that would stop a man from going next door and murdering his neighbor, with one being an understanding that it was wrong and the other being that the neighbor was well armed.

Mr. Brashers stated that the Council members were charged by the Constitution to protect the citizens of the city from an ever increasing and out-of-control government. He noted that it was said that the government was in control of the sword and stated that it was also given the task of using it.

Mr. Brashers stated that the Council members were the stewards of the taxes they raised from the citizenry and were charged with how these taxes would be used. He stated that even with a 10 percent tax, that in Birmingham, Montgomery, and Mobile they had lousy roads. He continued that it was not the amount of money that would be raised but how it would be used and the priorities on which it would be used. He stated that everyone talked about growth and responsibility and stated that he would ask the Council to think about those individuals who were not wealthy enough to handle this change.

Mr. Brashers stated that he agreed that they needed to be

looking toward the future but stated that at some point government had to stop and say, "Our priorities are wrong, and for us to go forward, we need to use something different."

Mr. Brashers stated that he hoped the Council members would decide not to vote in favor of this proposed tax increase.

Ms. Sandra Childress, 3217 Yale Circle, appeared before the Council, noting that she was present for Operation Stand Down Huntsville. She stated that this group had been in operation since 2006 and that they helped homeless veterans get off the streets, noting that 80 percent of homeless veterans who had come through their organization had gotten off the streets. She stated that if these veterans were not given a place to stay in one location, so that they could continue to get them off the streets, they would lose them forever.

Ms. Childress stated that she wore a patch because she was with another organization and that she wanted everyone to see it. She stated that they also helped in other ways.

Ms. Childress stated that the homeless population did anything they could just to survive, that they picked up cans, et cetera. She stated that she was out more than one day a week with these veterans, that they knew her name and they knew her face. She continued that they were her family, that they were other persons' families. She stated that she could guarantee that no member of the Council would be willing to go out and stay at Tent City for one weekend and live with these

persons and see how they lived. She stated that if it wasn't for these veterans, persons would not be here at this time, that they would not be free.

Ms. Childress stated that all she was asking was for the Council to get one location for these persons, noting that there were plenty of empty lots and plenty of empty buildings in the city and the county that they could get. She stated that persons at the camp could do things, that they could build buildings. She stated that they had organizations that were willing to build the homeless restrooms, showers, anything they needed.

Ms. Childress stated that all they were asking was for the Council to help them help these veterans. She stated that the homeless veterans were America, not the Council members nor anyone else, that they were the ones who had gone out and fought for everyone else.

Ms. Childress asked the Council members to help them find a location for the homeless and not let them get lost again.

Mr. David Pinkleton, 1000 Airport Road, appeared before the Council, stating that he was rising in opposition to the proposed one-cent sales tax increase. He stated that the prior week the citizens had been informed there was potentially another \$500 million of road projects that would need to be funded after the initial \$250 million that would take place. He stated that it had since come to their attention, earlier in the week, that this amount had ballooned to \$1.5 billion,

noting that this had nearly tripled the amount of road projects that they were being told would be needed in the coming 15 to 20 years.

Mr. Pinkleton stated that he would say this was further evidence that when persons gave government a new line of revenue, they would find ways to spend it. He stated that they would not use it to pay down debt, they would not save it, they were going to spend it. He stated that he needed to caution everybody against that.

Mr. Pinkleton stated that he would also argue that going forward with the tax increase would set a dangerous precedent when it came to road dollars that were allocated in Montgomery. He asked what incentive Montgomery would have to give the city money in the future if they saw that they were coming up with revenue for themselves. He stated that if they saw that Huntsville had the revenue, they would believe there would be no need to give them the money that had been paid in as gas tax, that they would send it elsewhere. He stated that he believed this definitely created a dangerous precedent.

Mr. Pinkleton stated that immediately before this meeting, he had read a newspaper article by Steve Doyle concerning a new apartment/restaurant project named "The Avenue" in downtown Huntsville. He continued that this was a proposed \$30 million mixed-use building at the northwest corner of Holmes Avenue and Jefferson Street. He continued that this would include approximately 200 loft apartments, 20,000 square feet of retail

and restaurant space, and a large on-site parking garage.

Mr. Pinkleton stated that he found it very interesting that the article said the agreement with the City called on the City to improve the area surrounding The Avenue with heavy landscaping, brick-trimmed sidewalks, new street lamps, traffic lights, and more on-street parking. He continued that it stated that Huntsville would also build a new downtown road behind the apartments, connecting Jefferson Street and Spragins Avenue. He stated that the City's commitment for these projects was estimated at \$2.8 million.

Mr. Pinkleton stated that, once again, this had the City partnering with private development. He stated that he was aware that everyone was for private development but questioned providing them City taxpayer dollars so they could continue with their development. He stated that when they talked about where they could make cuts in the budget, here was \$2.8 million that could be cut out and used for other road projects.

Mr. Pinkleton stated that he had just wanted to bring this to everyone's attention, just to point out that this was just another opportunity for the taxpayers of Huntsville to be taken advantage of.

Mr. Pinkleton stated that his message would be "No new taxes."

Ms. Jeannee Gannuch, 10016 Bluff Drive, appeared before the Council, stating that she was President of the South Huntsville Civic Association and that she was speaking on their

behalf at this time. She stated that she was entrusted not to give her own opinion and act on her own accord for what she believed was best for the community but to represent those who entrusted her to do so, much as the Council members were. She stated that, therefore, rather than pontificating on her own opinions, she was going to share with them excerpts from the most recent communications her organization had received from citizens of Huntsville.

Ms. Gannuch stated that as of earlier in the day, these were the most recent communications that had been received. She stated that she would not name the citizens who had shared this with them because if they had wanted their names out, they would have sent their communications to City officials. She stated that Citizen 1 had said, "The State of Alabama is laughing at this situation. They will use the money that was actually our share of State money for roads for other parts of the state. Thanks, Huntsville, for helping to pave all of Alabama."

Ms. Gannuch stated that Citizen 2 had stated, "Our own people are acting like Congress, tax, tax, tax. Let's see how a brick contributed to my lifestyle and how there are more trees downtown than in South Huntsville. Is it possible to secede from Huntsville City?"

Ms. Gannuch stated that Citizen 3 had stated, "Washington, D.C., style politics have arrived in Huntsville. A small group of people in power have decided to force the residents of

Huntsville to pay for their, quote, vision, whether the residents want the vision or not."

Ms. Gannuch stated that Citizen 4 had stated, "If anybody actually believes politicians will ever sunset an in-place tax, he is delusional."

Ms. Gannuch stated that Citizen 5 had stated, "It sounds as though we need to call a doctor to see about some of our Council people, because they have been infected with the Washington, D.C., spending, selfish, idealistic, self-serving bug. Oh, me. Thank heavens for elections."

Ms. Gannuch stated that Citizen 6 had stated, "Which part of 'We are hurting' doesn't our City Council understand?"

Ms. Gannuch stated that Citizen 7 had stated, "Thanks for the information. I understand this better now. I am against the tax increase."

Ms. Gannuch stated that Citizen 8 had stated, "I just sent John Olshefski an email telling him I support the one-cent sales tax increase as I want to see Huntsville grow and prosper in the future."

Ms. Gannuch stated that she could continue with these, but her time was up. She stated that every other comment on her paper was opposed to the tax increase.

Ms. Jackie Reed, Jack Coleman Drive, appeared before the Council, stating that she had to let the Council members see what her shirt said, noting that it said, "Built for Battle." She continued that she was not present to support the

Administration at this meeting and that she wanted to tell the citizens that. She stated that the Administration and the Council had a Christmas present for the public and it was on the agenda, that it was a proposed 9 percent sales tax. She stated that the citizens had elected the Administration, that she had not, because she had voted for herself. She continued that some of the Council members were up for re-election, that they would be running again.

Ms. Reed stated that she did agree with President Russell about the five-year limit on the proposed one percent sales tax increase. She stated that if they were going to do it, they certainly should do it in that manner.

Ms. Reed stated that it was Christmas and she wanted to wish everyone a very Merry Christmas and a Happy New Year. She stated that persons should remember that love was the greatest gift of all. She stated that she did love the officials, no matter how hard it was, noting that it was tough love.

Ms. Reed reiterated that she was strongly opposed to the increase in the sales tax, noting that the economy was bad and that the first of the year Obamacare would take persons' health down, that he was going to kill the old folks and she believed he was going to sock it to the young folks. She stated that persons should think twice about their paychecks.

Ms. Reed stated that it concerned her when she saw 5,000 acres being annexed in the county. She asked who was going to build the roads for all the developers that planned

developments. She stated that for 5,000 acres, there would have to be some roads put in.

Ms. Reed stated that she would like to thank the gentleman who had spoken about the development in Downtown Huntsville, noting that she believed every word he had said. She stated that this was on the agenda for this meeting, a resolution authorizing the Mayor to execute an option agreement to lease real estate, between the City of Huntsville and Sealy Property Development. She asked where these deals were made, without having a work session. She continued that she did not even know about it and know what was going on. She asked what kind of deal they were making without the public even knowing about She stated that she was aware they could make real estate deals and do all kinds of things, but she noted they had made a deal which was on the agenda for this meeting to build more roads and put in more brick. She stated that they had just put \$4.9 million in brick downtown for some other apartments. asked Mayor Battle why he had not gotten the property across the street from the Federal Courthouse appraised, noting that she had asked him to do this. She continued that, also, they should get someone besides Garrett & Garrett to appraise it.

Ms. Rosalind McDermott, 2602 Bonita Circle, appeared before the Council, stating that she had sent to all the Council members a study showing that states and localities needed to rely less on sales tax to finance infrastructure. She stated that this was the reason Alabama did not keep up

with its infrastructure, noting that sales tax revenues did not keep up with needs over time. She continued that Alabama was heavily reliant on sales tax revenues. She stated that sales tax heavily burdened lower-income residents, making it more difficult for them to work their way into the middle class, and, in effect, putting a brake on growth, and, in turn, the revenues the state and localities were counting on.

Ms. McDermott stated that low-income Alabamians already paid the most income tax in the country. She stated that the poverty rate in Madison County was already 13.8 percent and that unemployment was still 6.2 percent. She stated that the average income in Southeast Huntsville was not as high as one might think, that it was approximately \$54,000, but that in North Huntsville, it was half that amount. She continued that they would be asking seniors, on a limited income, to pay another 6 to 15 dollars a month toward roads that would not directly benefit them.

Ms. McDermott stated that the information she had provided to the Council stated that the No. 1 way to reduce reliance on unreliable sales tax was to broaden the sales tax base to include more services. She stated that other localities did this. She stated that bringing in persons who were profiting from the spending on roads would be giving a little bit more back to the City and inequality issues would be addressed.

Ms. McDermott stated that there was a definite perception in the city that this proposed tax increase had been announced

as a done deal and that no one but the contractors had had any input into it. She stated that this was a consistent problem in the city which persons had been talking about for several months. She stated that raising Huntsville's likeability index should be a higher priority, noting that this would be an influence in getting persons to want to move to the city. She stated that safe walking conditions and public transportation should be top priorities that part of the proposed plan would go to over other things, noting that there should be more than just roads, and not the generic term "industrial incentives," which she stated was code for "subsidies," along with the way-too-generic term "capital needs."

Ms. McDermott stated that the citizens could not be sure if this increase in sales tax would actually meet their needs, benefit them directly, and not just benefit the consultants, the contractors, and the developers.

Ms. McDermott stated that if Huntsville wanted to be the star of Alabama, they should start by beginning the end of its reliance on sales tax for funding infrastructure. She stated that they should take a little more time to find alternatives to this.

Mr. Ron Deermer, 2101 Kildare Street, appeared before the Council, stating that the Council should have the package he had submitted in front of them. He stated that the first photograph was a photograph of the area he would be talking about, noting that the Council members could see that there

were some issues there. He stated that there was a stop-work on this fence back on October 6 or 7. He continued that one could see that they had done a tremendous amount of work on this since that time. He stated that he did not know whether this stop-work had actually held or what the deal was on it.

Mr. Deermer stated that his property was located on the right side of the first photograph. He stated that the next photograph would show the 23 feet of City property that he had discussed at a prior meeting of the Council. He stated that on the next photograph, one would see again the same property. He stated that on the left side of the stake was his property, on the right side was Mr. Wright's property, and that everything in front of the stake was actually City property. He stated that this should have remained in about the condition as was shown in the photograph but that it had not. He stated that they had put the fence up and that it had changed quite drastically recently.

Mr. Deermer stated that the next photograph showed what the property should look like at this time if the stop-work order had actually stopped the work.

Mr. Deermer stated that the next photograph would show what had actually happened to the property, and show the water meters. He stated that, as the Council members were aware, this was under the licensing agreement the City had. He stated that the work was supposed to have stopped, but it had not. He stated that one could see the railroad ties there and stated

that his water meters had been consumed by this.

Mr. Deermer stated that in the next photograph, one could again see the water meters. He stated that he had taken these photographs just a few days prior. He stated that in the process of doing this, he had been greeted by the individual that everyone knew. He continued that there could be a knock down, drag out before this matter was over.

Mr. Deermer stated that he did appreciate the City's assistance, noting that they had been helpful in this matter.

Mr. Deermer stated that the last time he had appeared before the Council, he had asked them to make sure that he maintained his ability to use his water meters, and he stated that this was now in jeopardy.

Mr. Deermer stated that there were some OSHA problems involved in this, as well as some lease problems. He stated that they needed to comply with OSHA and also the Federal Disability Act, noting that at this time neither one of these were being complied with. He stated that disabled persons could not get into those water meters at all. He continued that he happened to be disabled in this regard, that he was pushing 70 and he had arthritis, so that he could not even get in there to shut off his own water meters.

Mr. Deermer stated that the City had helped him in the past, noting that Shane Davis had been involved previously when they had turned him over to him. He stated that he had been instrumental in this, and then he had been passed off to

Martin, and it was now his understanding that this had been passed off to the Legal Department. He stated that he would like to have a point of contact for the Legal Department so that he could work with them. He stated that he would like to thank Councilman Showers and Councilman Kling for helping him on this matter.

Mr. Deermer expressed appreciation to the Council for doing a good job.

(Submission by Mr. Deermer)

President Russell asked Mr. Joffrion to give Mr. Deermer a contact for the Legal Department.

Mr. Joffrion stated to Mr. Deermer that he could contact him at 256-427-5026.

President Russell stated that there would be a ten-minute recess.

(Recess)

President Russell resumed the meeting.

(Councilman Culver is not present in the Chambers.)

President Russell stated that the next item on the agenda was Huntsville Utilities Items. He stated that

Councilman Olshefski would recuse himself from these issues and abstain on all votes.

President Russell asked Mr. Bill Yell of Huntsville
Utilities to provide the Council a brief overview of the items
on the agenda.

Mr. Yell stated that item 8.a on the agenda was for the

purchase of some furniture for the downtown main building lobby. He stated that it had been more than a decade since this area had been renovated and it was starting to show wear and needed to be replaced, to make it more presentable for the customers. He continued that they had a resolution for their annual maintenance and support for hardware and software for their telephone systems. He stated that they also had a resolution authorizing approval to purchase license subscriptions for software, noting that this was for engineering software for all three divisions to do their work. He stated that they also had two agreements with TVA, one being for participation in the Gas Water Heater New Homes program. He stated that previously TVA would not give incentives to builders if they used natural gas but at this time they would because this would help their load profile in the future. stated that there were also some revisions to the language to the green power providers contract with TVA.

Councilman Showers read and introduced a resolution authorizing approval to purchase chairs and side tables for the Downtown Main Building Lobby (PR#10129786) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-997)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Russell.

President Russell called for a roll-call vote on the above

resolution, and the following vote resulted:

AYES: Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

ABSENT: Culver

President Russell stated that the resolution had passed.

Councilman Showers read and introduced a resolution authorizing approval for annual maintenance and support for hardware and software for telephone systems (PR#10137685) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-998)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Russell.

President Russell called for a roll-call vote on the above resolution, and the following vote resulted:

AYES: Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

ABSENT: Culver

President Russell stated that the resolution had passed.

Councilman Showers read and introduced a resolution authorizing approval to purchase license subscriptions for software (PR#10137686) (Utilities: Electric), as follows:

(RESOLUTION NO. 13-999)

Councilman Showers moved for approval of the foregoing

resolution, which motion was duly seconded by President Russell.

President Russell called for a roll-call vote on the above resolution, and the following vote resulted:

AYES: Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

ABSENT: Culver

President Russell stated that the resolution had passed.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute an Agreement with TVA for participation in the Gas Water Heater New Homes Pilot program (Utilities: Electric), as follows:

(RESOLUTION NO. 13-1000)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Russell.

President Russell called for a roll-call vote on the above resolution, and the following vote resulted:

AYES: Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

ABSENT: Culver

President Russell stated that the resolution had passed.

President Russell read and introduced a resolution authorizing the Mayor to execute the Proposed Green Power

Providers Amendatory Agreement with TVA, amending the rebate portion of the agreement (Utilities: Electric), as follows:

(RESOLUTION NO. 13-1001)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell asked Councilman Showers if he had a question for Mr. Yell concerning this item.

Councilman Showers replied in the affirmative. He asked Mr. Yell for an explanation of the resolution.

Mr. Yell stated that "Green Power Providers" was where customers had been able to generate electricity and sell it back to TVA. He continued that this was just cleaning up some of the language in the contract, noting that it dealt mainly with TVA and vendor billing provisions.

President Russell called for a roll-call vote on the above resolution, and the following vote resulted:

AYES: Kling, Showers, Russell

NAYS: None

ABSTAIN: Olshefski

ABSENT: Culver

President Russell stated that the resolution had passed.

President Russell stated that the next item on the agenda was Board Appointments to be Voted On.

(Councilman Culver is now present in the Council Chambers.)

Councilman Showers read and introduced a resolution to reappoint Barbara S. Gamble to the Educational Building

Authority for the City of Huntsville-Faulkner University, for a term to expire November 12, 2019, as follows:

(RESOLUTION NO. 13-1002)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Showers read and introduced a resolution to reappoint William Emrich to the Educational Building Authority for the City of Huntsville-Westminster School, for a term to expire November 12, 2019, as follows:

(RESOLUTION NO. 13-1003)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint James Bailey to the Bingo Review Committee, for a term to expire April 8, 2015, as follows:

(RESOLUTION NO. 13-1004)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell stated that the next item on the agenda was Board Appointment Nominations.

Councilman Showers nominated Dr. Oscar Montgomery for

reappointment to the Public Building Authority of the City of Huntsville, for 6-year term, to expire December 14, 2019.

President Russell stated that the next item on the agenda was Approval of Expenditures.

Councilman Kling read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 13-1005)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilman Showers read and introduced a resolution approving travel for Councilman Will Culver to attend the 2014 Alabama League of Municipalities Annual Convention, to be held in Mobile, Alabama, on May 3-6, 2014, as follows:

(RESOLUTION NO. 13-1006)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Kling read and introduced a resolution approving travel for Councilman Richard Showers, Sr., to attend the 2014 Alabama League of Municipalities Annual Convention, to be held in Mobile, Alabama, on May 3-6, 2014, as follows:

(RESOLUTION NO. 13-1007)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

Councilman Kling stated that he would like to call on Mr. Randy Taylor, Finance Director, to provide an update on revenues for the month of November.

Mr. Taylor stated that he had just one figure to provide, being the sales tax information for November. He stated that they were 4.7 percent higher than the previous November. He continued that this brought the year-to-date figure, which he noted included two months, to 4.2 percent. He stated that the budget requirement was 3 percent, so that they had started the year in a reasonably good position.

President Russell stated that the next item on the agenda was Communications from the Mayor. He recognized Mayor Battle.

Mayor Battle stated that the Administration had been trying to put together ideas as to how the community could move forward. He stated that in just a few minutes there would be discussion about the roads and the road plans and why they did road plans, why they tried to look 10, 15, and 20 years ahead for the community. He continued that they would discuss why they were in the position that they would have to propose a one percent sales tax increase so they could end up with roads that would take care of the public for the next generation. He continued that, also, there were roads that still had not been addressed that had to be addressed. He stated that as a community, they had to do this if they wanted to be a growing, prosperous community, and they had to do this if they wanted to maintain their quality of life.

Mayor Battle stated that this had also been a week of holiday celebrations, noting that Mr. Hamilton and he had been to several events over the past few days, and that they would all be ready for Alabama Scale Back when it commenced in January.

Mayor Battle stated that the Administration was looking forward to the following year, that they felt it would be a great 2014 and a prosperous 2014, and that he felt they would see the community move forward. He stated that they had some good announcements on the horizon which he felt would play out very well.

Mayor Battle stated that the City had been blessed. He stated that persons did not realize what traffic was until they went to Chicago or someplace such as that. He stated that the city was blessed to have an 18-minute commute to and from work, and they were blessed to be in Huntsville where there was a good job base and a good quality of life. He stated that he certainly wanted to keep this.

Mayor Battle wished everyone a Merry Christmas, a Happy New Year, and a prosperous 2014.

President Russell stated that the next item on the agenda was Communications from Council Members.

Councilman Culver stated that he would also like to wish everyone a very, very Happy Holiday season.

Councilman Culver stated that if the opportunity presented itself, he would be leaving the Council meeting early in order

to present an honorary certificate to jazz musician and singer Freddy Cole. He stated that some persons might know Mr. Cole, noting that he was the brother of Nat King Cole and the uncle of Natalie Cole. He stated that he was in Huntsville at this time, along with other musicians, at The Cooper House. He stated that there would be a benefit concert by these individuals, raising money for Huntsville Essential Needs. He stated that County Commissioner Roger Jones and himself had been working with Howard Bankhead and Freddy Cole and other individuals on this and that Christmas Charities was a beneficiary of this program.

Councilman Culver stated that Christmas Charities was not just for the holiday season, that it was year round. He stated that he could not tell persons the number of canned goods they had collected, and the clothing and other essential needs for homeless individuals, for families who were not homeless, and for homeless veterans. He stated that that was the whole purpose of this. He continued that Macedonia Church had also partnered with them on this endeavor. He stated that he was delighted and honored to be able to make the presentation later in the evening.

Councilman Kling stated that he would like to share with the members of the public the thought process he had gone through in the prior 2 1/2 weeks, looking at the issue that had come up. He stated that he was very concerned when he had originally heard that the State had backed out of a

\$450 million, 10-year agreement that the City had to take care of state roads in the city. He stated that he was aware that the State was saying they had financial issues and financial problems but stated that, conversely, he believed they had all heard about the bankruptcy issues that Jefferson County had had. He stated that he had had some Jefferson County bonds and had been watching very carefully to see what was going to happen with those bonds. He stated that Jefferson County had been able to work things out and get their act together enough to where he had been paid 80 cents on the dollar for the bonds he had had, plus all the interest that had accrued. He questioned if Jefferson County could do this, why the State of Alabama could not do something similar.

Councilman Kling stated that persons paid taxes. He continued that at least 75 percent, and perhaps more, of the Governors Drive road-widening project, from California Street to the Parkway, was paid by the City of Huntsville taxpayers. He stated that it was not right that the City would have to pay this, noting that this was a state road.

Councilman Kling stated that every Parkway overpass that he had seen or had been involved with while serving on the Council had at least 20 percent City of Huntsville money. He stated that they should talk about fairness and the way the City was being treated.

Councilman Kling stated that he had concerns about the plight of the elderly, low-income persons, who were on a fixed

income.

Councilman Kling stated that he had heard some suggestions concerning the roads issue from persons in the audience, noting that sometimes his best ideas came from citizens. that he believed Mr. Cox had mentioned a gas tax and another gentleman had mentioned a cigarette tax. He stated that he had looked at these to see what a 5-cent per gallon gas tax would do and what a 25-cent per pack cigarette tax would do. continued that these would raise approximately \$9 million. stated that this amount could be combined with a bond issue and that would take care of the money they were trying to raise to match the State. He stated that when they were talking about a gas tax, they were talking about a tax where those persons who used the roads would be the ones paying. He stated that this appeared to be a good idea, and he had brought it before the Council, but that, unfortunately, there was no interest on the part of the other Council members.

Councilman Kling stated that another idea that had been mentioned was that there should be a public referendum on this matter. He continued that he had thought this was a good idea, to let the people vote on this, that that would be a good democratic exercise. He stated that, however, he had asked the City Attorney if they could do this and had been informed that no advisory referendums were allowed in the state of Alabama, that only the City Council could impose a sales tax increase locally. He continued that there was no mechanism in place to

allow the public to approve or disapprove a sales tax increase, according to State law.

Councilman Kling stated that a concern he had was if they entered into this agreement with the State, the State would once again back out of the agreement. He stated that there had been an agreement that was very well planned out, that it was for 10 years and \$450 million, that everything had been planned, and then the State had backed out. He stated that Mr. Joffrion's response to this inquiry was that there was never a guarantee that a party to a contract would not breach it, but that there would be remedies available to the City if the State did so, including a suit for specific performance or money damages for breach of contract.

Councilman Kling stated that structurally, regarding roads involving the State of Alabama, the State would enter into a contract for construction of a road with a general contractor and would seek periodic reimbursement of the City's share during the construction process. He stated that, therefore, at the very least, the City would not remit funds to the State until a contract was let. He stated that it was done on a draw system, so that there would be at least some protection for the City not being again hurt by the State.

Councilman Kling stated that Mr. Peters and some other persons had mentioned a sunset on the tax after the agreement would end. He stated that he believed this was a good idea and felt that it would build up public trust and show that the

Council was listening to ideas and concerns from the community. He stated that if there were a future road agreement, they could go back to square one and debate the process for local funding. He stated that he felt this was something they should look into.

Councilman Kling stated that he had also mentioned the idea of restricting the tax to road projects only, including state roads, city roads, period. He continued that there was a backlog of city roads in the Capital Improvement Plan that could be moved up. He stated that, also, perhaps the State would assist in moving up some of the Parkway issues that had been discussed.

Councilman Kling stated that concerns had been raised about the City wasting money by giving parking garages to developers. He stated that he often drove by the proposed Twickenham Square development and stated that he had asked Mr. Taylor, the City Finance Director, about this, as to the dollars and cents issue on this. He stated that for this construction, the City would receive \$1,020,000 in a one-time sales tax for construction materials. He stated that, also, this development was projected to bring in \$1.6 million annually in property tax, noting that this would be new money.

Councilman Kling stated that he had also inquired as to whether they could pass a sales tax increase and exempt groceries, noting that this was something some persons had mentioned to him. He stated that a large number of the

low-income elderly were hurting and to hit these persons at the grocery store just did not seem right. He stated that, however, he had been informed they could not do this because of, again, State law.

Councilman Kling stated that these were just some of the answers to some of the questions he had been looking into, noting that this had been quite an interesting process. He stated that everyone had had questions and that what he had just presented were the answers to the questions he had had.

Councilman Showers stated that he had held a town meeting on the prior Tuesday at the Showers Center and noted that this had been very well attended and that the Mayor and other City personnel had been present to answer questions from the citizens who had attended this meeting.

Councilman Showers stated that he had been delighted to be present earlier in the day at Oakwood University Church to honor Mr. Jack Lashley, an 85-year-old gentleman who had received his degree from Chicago State University.

Councilman Showers wished everyone a Merry Christmas and a blessed New Year.

Councilman Olshefski stated that he was on the MPO Board that dealt with road construction, et cetera, and that he had watched the Mayor deal with this matter for several months, that he had seen the attempt for ATRIP funding, where they had gotten beaten up, but that the Mayor had persevered on this, so that they were where they were at this time with the

\$125 million/\$125 million.

Councilman Olshefski stated that he had read every email he had received on this matter. He stated that before this time, he had not known what it meant to be overwhelmed with email, but that he had certainly been overwhelmed at this time. He reiterated that he had read them all, noting that some were for and some were against. He stated that apparently most people thought that everyone was opposed to it, but noted that this was not true. He stated that after the one percent increase seemed to have some movement, then the sunset issue had come up, and there had been the same pro and con on this.

Councilman Olshefski thanked the City staff and the Mayor for all the assistance he had received on questions he had had concerning this matter.

Councilman Olshefski wished everyone Happy Holidays and a Merry Christmas, noting that he was looking forward to another great year.

President Russell wished everyone a Merry Christmas and a Happy New Year.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

President Russell stated that item 13.a, Ordinance No. 13-959; item 13.c, Ordinance No. 13-968; and item 13.e, Ordinance No. 13-969, were all related to the one-cent sales tax increase. He stated to Mr. Joffrion that he understood there was a substitute for each of these ordinances and asked

him to explain why this was and asked if he could assure them that everything was all right with this.

Mr. Joffrion replied in the affirmative. He stated that the substitute was nothing more than a clerical correction. He stated that at the prior Council meeting, there had been so many different drafts of the sales tax ordinances that apparently the final draft was not the one that had actually gotten introduced. He stated that the ones that should have been introduced were what were now labeled as "Substitute A," for each of the three ordinances. He stated that, specifically, what was not included in the original ordinances as introduced was the taxes applicable to vending machines. He stated that this would not change anything substantively, other than to include what should have been included originally, applicable to vending machines.

Councilman Showers stated that he was not clear on this. He stated that he had before him Substitute A, Amendment 1; Substitute A, Amendment 1 again; and Substitute A.

President Russell stated that Councilman Showers should have Ordinance No. 13-959, Substitute A, and then an amendment, which he noted he would propose later; and Ordinance No. 13-968, Substitute A, and then an amendment, which he would also propose later; and Ordinance No. 13-969, Substitute A, and then an amendment.

Councilman Showers asked if he could get an explanation of Amendment 1.

President Russell stated that when he made the motion, he would explain it. He stated that this was not on the table, that he had just had this pre-printed so that the Council members would be aware of it. He stated that they would discuss it after it got on the floor, that it was not part of the discussion at this time.

Councilman Showers stated that he had heard

President Russell ask the attorney for an explanation and it

wasn't on the floor, so he did not see any reason why he could

not ask for Amendment 1 to be explained by the attorney.

President Russell stated that the amendment he would be proposing later was just a simple sunset clause amendment.

Councilman Showers inquired as to what this would do.

President Russell stated that it would sunset the tax after five years. He continued that he had not made the motion, so it had not been seconded, that it was not on the table.

President Russell recognized Mayor Battle for a presentation concerning the one-cent sales tax increase.

Mayor Battle stated that this was the "Restore our Roads" campaign that the Administration had been working on for seven months. He stated that for many persons, this was the third or fourth time they had been through this, but stated that he felt it was worth it for them to go through again, to talk about where they needed to be and what they needed to do as a community.

Mayor Battle stated that "Restore our Roads" had commenced back in March of 2013. He stated that the City had had \$450 million worth of projects ready to go with the State over the next five years, which he noted included some of the major traffic corridors in the city of Huntsville. He continued that in March of 2013, they had been informed they needed to start looking at the roads and doing something different. He continued that in their conversations, they had found out that the Transportation Director, whom he noted was a good man and an accountant, had felt like the State had over promised what they could actually deliver on their road plans, that they had \$150 million worth of construction money each year and they had promised approximately \$400 million worth of road plans, or perhaps even \$500 million worth. He stated that the Director had wanted to make sure that on his ledger sheet his credits equaled his debits, and he wanted to make sure that what he promised he could deliver.

Mayor Battle stated that this all came down to the road plans being changed and stated that the only major corridor that was going to be done in Madison County, or the only major project that was in place in Madison County, was County Line Road at I-565. He stated that this was the only road plan they had for the next five years.

Mayor Battle stated that this meant that Memorial Parkway at Mastin Lake overpass was moved from 2018, as it was in the earlier plan, when it was going to be started, to 2024. He

continued that this would most likely be a six-year build period if the State followed traditional ALDOT building on overpasses, that they would build the access roads the first three years and then wait a year and start on the overpasses, so that it would be a six-year process. He stated that, therefore, it would be 2030 before persons could ever ride on this road.

Mayor Battle stated that this also meant that the overpass at Lily Flagg and Byrd Spring would be moved from 2015 to 2019. He continued that if this was a six-year process, that in 2025 the road would finally be finished, that they would finish the limited access Parkway from Weatherly all the way to

Mastin Lake Road, and persons would finally get to travel on it. He stated that during this period, both roads would be under construction and the area would not be rehabilitated, as they had been trying to accomplish, because of the pending traffic. He stated that most persons would say that commercial businesses would not move into areas where there was going to be construction such as this. He stated that, therefore, the corridors which had been blighted in the past would stay blighted for the next 10 years.

Mayor Battle stated that the Administration had started thinking about this and questioning what it would do to the city of Huntsville and to Madison County. He stated that this was something that scared them, so that they had started on the "Restore our Roads" campaign. He stated that the first part of

this campaign was that they wanted to see if they could get the State government to step back up to what they had promised or if they could get the State Legislature to move them forward. He continued that this had not happened.

Mayor Battle stated that as the Administration went through this, they went through every project. He stated that the projects were done so that, one, they could educate the people; two, that they could educate the legislature; and three, that they could educate the government, and that they could move forward and attempt to get something going with the roads. He stated that this was very important to them, that it was very important to the city's infrastructure, that it was very important to the area.

Mayor Battle stated that one of the things they had looked at was if this was not a growing area, what would happen. He stated if it was not a growing area, it was going to be a dying area. He stated that if a city was not a growing area, when they tried to find jobs for their family later in life, as they came back to the community, they were not going to be able to find them. He stated that he had been lucky, noting that three years prior his son had decided to come back to Huntsville after being in school and going to Knoxville and going to Birmingham. He stated that his son had been able to come back to the city because Huntsville was a growing community and could provide him a job, and he could have opportunity.

Mayor Battle stated that the roads spelled opportunity for

the city. He stated that, therefore, they had started their campaign and had started to educate the public. He stated that this was about major arterials, that it was about roads that moved traffic. He stated that each of the Council members had come to the press conferences they had held at each of the spots, and they were out there with them, talking about how these roads were needed.

Mayor Battle stated that the "Restore our Roads" campaign went all over the area. He stated that they had tried to get the money back through ATRIP funding. He stated that the State of Alabama had had a billion dollar program on road building through ATRIP funding, and they had tried to get the major arterials done through this ATRIP funding, but had been told that that was not what ATRIP was for, that it was for minor collectors, for rebuilding bridges, and also for adding lanes to existing roads, but not for major arterials.

Mayor Battle stated that when they could not get the State government to respond back and they could not get it through ATRIP funding, they had gone to the Governor and said that they needed to do something about the roads. He stated that they had advised him that the City needed a five-year plan, that it needed to spend \$250 million on roads, over five years, and they wanted to do this jointly, in partnership with the State of Alabama. He continued that the State of Alabama would put up \$125 million, \$25 million a year for five years, and the City of Huntsville would put up \$125 million, \$25 million a

year for five years. He stated that the Governor had said they would be willing to look at this plan.

Mayor Battle stated that they had then gone to the Highway Director, and the Highway Director had said he would be willing to look at it. He continued that this finally culminated on December 2, when the Highway Director had come to Huntsville and announced \$250 million worth of roads, \$125 million coming from the State of Alabama and \$125 million coming from the City of Huntsville.

Mayor Battle stated that many persons were saying that this was something extremely out of the ordinary. He stated that Mobile was doing a 50-50 plan, with their ATRIP funding. He continued that the City had done a 100 percent plan when they had done Governors Drive, because they could not get the State to move fast enough.

Mayor Battle stated that many persons had said that this might cause a precedent to be set. He continued that every deal that was cut with State government would be cut with the Governor at that time and the Highway Director at that time. He stated that the next time the City would go back for roads would be with another Governor and another Highway Director, that it would be more than four years from this time and they would be talking with someone else, that a precedent would not be set. He stated that this would be worked each time, and that they would try to do the best they could to make sure that the City put in their matching share and the State also put in

their share of the money each time.

Mayor Battle stated that when they had started talking about the road plans, they had seven road plans that the State had agreed to.

Mayor Battle asked Mr. Shane Davis, Director of Urban Development, to come up and talk about the road plans, as to which ones they had.

Mr. Davis stated that when he and Mayor Battle had met with Governor Bentley and the Highway Director, they had talked about transportation needs within the community. He stated that at this time they were presenting a five-year plan that would take care of seven of these projects. He stated that before the Council and the audience was the 2035 Transportation Plan for the entire Metro area, noting that there were 97 projects that were unfunded, which he noted were critical to the community. He stated that the question then was how they had gotten to the seven. He stated that one thing was traffic counts, noting that these were the top seven of the 97 projects. He stated that of the most critical need projects, there were 24 in total, which he noted equaled \$1.75 billion in value at this time. He stated that after the five-year commitment with the State, there would still be \$1.5 billion of critical needs, for only 17 projects out of the remaining 97.

Mr. Davis stated that they had talked with

Governor Bentley and Director Cooper and had said that these

were their top seven needs and that they could be guaranteed by

where they were in design and right-of-way acquisition that these could be built under Governor Bentley's term.

Mr. Davis stated that he would go through these seven projects, which were displayed on the screen, and explain what they consisted of, their scope of work. Mr. Davis stated that the first project was U.S. 72 East at Moores Mill and Epworth Drive. He stated that this was a very busy intersection and that there was a current project that ALDOT had. He stated that the current project included the extension of I-565, which would include an interchange at Moores Mill/Shields Road. stated that, unfortunately, the current budget of that project was \$130 million. He continued that with the State having only \$150 million annually to use statewide, there had to be a compromise. He stated that they had then sat down with Governor Bentley and Director Cooper to do something at this location and that they had decided to add triple left-turn lanes, eastbound to northbound to Moores Mill; a westbound lane from Shields Road to I-565; and then a small portion eastbound at Moores Mill, to alleviate the intersection. He stated that they felt this would move traffic adequately until proper funding could be put in place for the interchange and the extension of I-565. He stated that this should give this community relief of congestion for seven to ten years. He stated that this was the first project and one that could be done quickly because of the amount of right-of-way that was currently available for Highway 72, and one that would give

immediate relief to the eastern portion of the city.

Mr. Davis stated that the next project on the list was South Memorial Parkway overpasses. He stated that this was a project that had been slated to start, as Mayor Battle had mentioned. He stated that this project again took up a major portion of the State's current highway budget annually. He stated that the right-of-way had already been acquired for this project and the plans were, for the most part, 100 percent complete, and that utilities had been relocated. He stated that, therefore, this was a natural fit to move to high priority of the Southern projects. He stated that this project was currently slated for a 2015 start, at a cost of \$64.5 million, which he noted would be split between the State and the City, if the Council so chose to more forward on this.

Mr. Davis stated that the third project on the list was University Drive West, from Providence Main to County Line Road. He stated that this was currently a four-lane section of U.S. 72, and that it was highly congested both in the mornings and the afternoons. He continued that at times a person could walk beside cars on Highway 72, during the morning rush hour and the evening rush hour. He stated that this project would be taking Highway 72 from Providence Main to County Line Road from a four-lane section to a six-lane section, with advanced traffic signal technology. He stated that this was slated to be a \$30 million project and would start in 2016.

Mr. Davis stated that the next project was to further

enhance South Memorial Parkway south of the current overpasses. He stated that this would include a mixture of different ideas, including adaptive traffic synchronization, synchronizing all traffic signals south of the limited access highway, modification of median crosscuts, and some additional lanes, noting that this was a four-lane section. He stated that this project was slated for a 2017 start, at a cost of \$15 million.

Mr. Davis stated that the next project was one that the City of Huntsville had taken upon itself a couple of years prior because the State had no money to even start the engineering. He stated that this was the Martin Luther King Northern Bypass Extension. He stated that the current plan of State Route 255 ended at Toyota at Pulaski Pike. He continued that this project would provide immediate relief for the Parkway and I-565. He stated that the current Master Plan, or the 2035 Transportation Improvement Plan, took this road all the way to U.S. 72, east of Chapman Mountain. He stated that the current phase was in the amount of \$20 million and was scheduled for 2017. He stated that this would take it to Memorial Parkway, to finish the intersection there.

Mr. Davis stated, concerning the above project, that there were several thousand acres, from an industrial job recruitment standpoint, that they had submitted to compete with projects, and that due to the limited access of transportation needs in the area, they had been unsuccessful. He continued that he believed this would change upon completion of this project,

that it would bring jobs to the area.

Mr. Davis stated that the next project was a Southeast Huntsville project, in the Hampton Cove area. He stated that Cecil Ashburn Drive was currently a two-lane road that was heavily traveled by persons in Southeast Huntsville, to reach Redstone Arsenal via Martin Road. He stated that this project was slated for 2017, at a cost of \$15 million. He stated that what they were looking to do on the uphill lanes was to add an additional lane in each direction, with transition at the top, to allow more capacity, both to and from, in the morning and the evening.

Mayor Battle asked Mr. Davis to do the Mastin Lake Overpass.

Mr. Davis stated that this was the North overpass at Mastin Lake. He stated that if one drove that area, one would notice that there was a downhill grade of limited access to a red light, with double left turns to Mastin Lake and a service road, which he noted was a traffic disaster. He stated that this project was scheduled for Fiscal Year 2017, which he noted would be the Fall of 2016. He stated that they had been able to do some things to accelerate this project, with the rights-of-way and some of the design that was needed. He stated that this current project was a \$53 million project, noting that it was one that was needed at this time. He stated that this was probably one of the most critical projects of the seven projects that had been slated for the five-year plan.

Mr. Davis stated that what they believed all this would leave would be a 2018 unfunded amount of approximately \$40 million. He stated that Governor Bentley, Mayor Battle, Director Cooper, and himself had decided, with these seven projects, to leave the remaining balance so that as they started bidding some of the projects and acquiring what right-of-way was needed, they would be able to handle overruns or underruns. He stated that after they got into it, they would be better able to identify what the remaining balance of the \$250 million would be and that they could then address one or more of the 17 projects that he had mentioned that were part of the 24 critical projects.

Councilman Showers stated that the Mastin Lake Project had been mentioned, but that it had not been displayed on the screen, that the dollar amount had not been shown and the name "Mastin Lake" had not been shown. He stated that they had been saying to him one thing, but that at this time, with this presentation, it was altogether different than what had been said to him previously. He stated that it appeared that these were the actual dollar amounts for the projects and that Mastin Lake was not on the chart.

Mr. Davis stated that it was included in the plan.

Councilman Showers asked why it had not been shown.

Mr. Davis stated that he could not speak concerning the slide presentation, noting that it had been there previously. He stated that he could guarantee Councilman Showers that it

was included in the plan.

Councilman Showers stated that the dollar amounts which had just been presented to the public did not include the Mastin Lake project. He stated that the other projects had been shown but Mastin Lake had not been shown. He stated that he was saying the same thing at this time that he had said previously, that this was not acceptable. He continued that he thought that this had been cleared up. He stated that he had been told that this project was going to be included, but that at this time it was not even on the chart.

Councilman Showers stated that for anyone who was on the Parkway going north, from just north of Sparkman Drive to Winchester Road, there were the same problems there were on 72 East/University Drive, from Providence on out. He stated that he represented all of Huntsville and not just District 1, although Mastin Lake happened to be in District 1. He stated that he had been asking his people to support this, but that they had to see they were going to benefit from it and not have to wait until 2020. He stated that they could not wait that long, and they should not be asked to wait that long. He stated that from what had been told to him earlier in the week, it appeared they were saying something different at this time.

Mr. Davis asked Councilman Showers to disregard the PowerPoint presentation. He stated that the sheet that he had before him at this time was a sheet that Governor Bentley, Mayor Battle, Director Cooper, and himself had distributed

publicly, that it had been distributed publicly when Director Cooper had come to the Chamber to offer this challenge to the City. He stated that Mastin Lake was No. 4 on the list of the top 7, and that it would be commenced in late 2016 and completed in 2018, and that it was a \$53 million project, which he noted was fully funded in the plan.

Mayor Battle stated to Councilman Showers that it had simply been omitted from the slide show, that it was included in the plan. He stated that there were \$208 million worth of projects, and \$53 million worth of this was for the Mastin Lake overpass project, that it was included.

Councilman Showers stated that he understood what Mayor Battle was stating, but noted that all the people who were watching this meeting would see was what had been presented and shown, and that Mastin Lake had not been included. He stated that this was something that created problems for this community.

Mayor Battle apologized for it not being included, but reiterated that it was in the plan.

Councilman Showers stated that he understood they were saying it was just an oversight as to why Mastin Lake was not included, but noted that this was why he was not comfortable with this.

Mr. Davis stated to Councilman Showers that the engineering consultant that was currently designing the Mastin Lake overpass was present at this time, that he was out

in the hallway, and that he had gotten an update from him. He continued that they had just signed an updated contract with ALDOT to accelerate the design of Mastin Lake, in the hope that the Council would pass this matter.

Councilman Showers stated that it would have been nice to have had it included in the presentation.

Mayor Battle stated that he agreed with that.

Councilman Showers asked Mayor Battle if they had the capacity to put the map that Mayor Battle was holding in his hand that had Mastin Lake on it on the screen.

Mayor Battle replied in the negative.

Councilman Kling stated that perhaps he could hold the map up in front of the TV camera.

Mayor Battle stated that he could put it up for everyone to see. He indicated Mastin Lake and the overpass, noting that this was what had not been included in the slide show.

Mr. Davis stated to Councilman Showers that on the City's website, at the very top right-hand corner, there was a "Restore Our Roads" button that had an additional slide show which showed the projects in detail. He continued that he could assure Councilman Showers that Mastin Lake was included there.

Mayor Battle stated that after going through and looking at the idea of what they could do as a community without roads, they had considered what they would do if they had to wait until 2019 to start building an overpass at South Parkway, what

they would do if they had to wait until 2024 to start building an overpass on North Parkway at Mastin Lake, and what they would do with the Northern Bypass, which he noted was not on anybody's plan. He stated that they had started looking at how they could bring this together, and they had come to an agreement with the State, and that this had seven projects in it, which included the Mastin Lake overpass; the Lily Flagg and Byrd Spring overpass; South Parkway, working from Weatherly to Hobbs Road; that it included University Drive, from Providence to County Line Road; that it included the Northern Bypass, which he noted had never been on anybody's plan before, that it had never been funded before; that it included the end of I-565, through Shields and Moores Mill; and it included the Cecil Ashburn Drive Improvements. He stated that this was \$208 million worth of projects and that they had an agreement with the State to be able to do these.

Mayor Battle stated that immediately upon getting the agreement with the State, they had started meeting with groups, with residency groups and other groups, with neighborhood groups, with civic groups, with business groups. He stated that they had met with the Chamber of Commerce and had gone through their plan and that the Chamber of Commerce had endorsed their plan. He stated that they had met with Huntsville South and that they had looked at the plan and endorsed it, that they thought it was a good plan because they felt it was very important that the city had overpasses on

South Parkway and had felt it was very important to finish South Parkway, and that they had also felt it was very important to do Cecil Ashburn Drive. He stated that they had met with groups from across the city and had had group after group after group endorse the plan.

Mayor Battle stated that then they had come up with how they would pay for this, noting that this was the biggest question. He stated that it would be much easier if they had someone else to pay for it, if they could go to the State and get them to pay for it or if they could go to the Federal government and get them to pay for it. He stated that, however, it was not there, that the money was not there, that the ability was not there. He stated that, therefore, they had come up with the one-cent sales tax increase. He stated that they had looked at all the tools they had in their tool box and had come up with the one-cent sales tax increase, and that this was the best way to do it.

Mayor Battle stated that if one looked at other cities around Huntsville, one would see that Madison was already at 9 percent, that they had gone to 9 percent six months prior, that they had raised their sales tax and they did not have an end to this sales tax, that it was there. He stated that Arab was at 9 percent, Athens was at 9 percent, Decatur was at 9 percent. He stated that this would put Huntsville on par with other communities, that it did not put them at a disadvantage in retail sales. He stated that one of the

reasons they had gone to the sales tax was that 75 percent of it came from the city of Huntsville and 25 percent of it came from sales to people from outside the city of Huntsville. He stated that these were regional roads and they had felt like the entire region should help pay for this.

Mayor Battle stated that there had been many questions as they had gone through this process and that many citizens had had the same questions, as they would come in on emails or letters. He stated that people had asked a lot of questions, including if the City of Huntsville had explored other revenue options. He replied in the affirmative to this, stating that throughout the entire summer, they had been attempting to get additional State funding. He continued that State funding was not there.

Mayor Battle stated that they had also attempted to do ATRIP funding, but that ATRIP funding was not there.

Mayor Battle stated that what had come about was a cost-sharing arrangement which required a minimum of \$25 million per year to be spent on road construction. He reiterated that this was a minimum of \$25 million a year. He stated that the revenue stream needed to be immediately available for road work to begin right away, that this was important to the city.

Mayor Battle stated that they had also looked at a fuel tax. He stated that this would result in an increase of 25-cents per gallon and that what would happen would be that

persons would be going across the city line and purchasing gas somewhere else, at 25-cents per gallon less, and then coming back into the city and driving on the roads. He stated that, also, this would infringe upon the persons in the city who worked in the fuel business.

Mayor Battle stated, concerning raising revenue from business licenses, that business licenses generated approximately \$16 million per year. He continued that these fees would need to triple in order to reach \$25 million annually. He continued that this would impact only Huntsville businesses, not a regional area.

Mayor Battle stated, concerning property tax increases, that property tax increases required legislative approval and a statewide referendum. He stated that by the time they could get finished with all this, he believed the Director of ALDOT, John Cooper, would have spent his money somewhere else. He stated that this could take up to a year.

Mayor Battle stated, concerning a bond issue, that if they bonded out the \$125 million, they would pay \$10 million a year for 20 years, so that they would pay \$200 million to get \$125 million. He stated that they felt it was better to do a pay-as-you-go plan, not add debt for future generations, and get more roads for the dollar.

Mayor Battle stated, concerning a toll road to raise this revenue, that they were going to have to start looking at a toll road at some point when they started looking at the

Southern Bypass. He stated that, however, the seven roads included in this proposal were not controlled access and would not be eligible for a toll road.

Mayor Battle stated that if they did a liquor tax for this purpose, if one bought a \$10 item at a liquor store, one would have to pay \$12 in tax to make up the \$25 million. He stated that this would be a \$22 sale and that it did not work out.

Mayor Battle stated, concerning a tobacco tax, that the City's 10-cents-per-package tax earned \$1.2 million per year. He stated that they would have to increase this tax by \$2.20 per package. He continued that, again, persons would just go outside the city and buy their tobacco and then come back into the city.

Mayor Battle stated, concerning the one-cent sales tax increase, that there was not another single revenue source available, in the short term, that could generate the minimum \$25 million that was going to be required for the road cost arrangement.

Mayor Battle stated that the proposed one-cent sales tax increase would go into effect March 1, 2014.

Mayor Battle asked Mr. Taylor to explain how the legislation was put together, the ordinance was put together, on the sales tax increase.

Mr. Taylor stated that the Council members had in front of them several ordinances, one to adopt the increase for sales tax and then for a complementary tax, the use tax, and that they also had in front of them another very important ordinance, which he noted determined how the money had to be spent, which he noted the Mayor had been speaking concerning. He stated that this tax would commence being collected in April, if the Council were to adopt this. He noted that this was one month behind the implementation date, because this was when businesses would pay their taxes to the City.

Mr. Taylor stated that in this, there would be a reasonable reserve set aside for risk. He stated that they did this with all of the City's funds. He stated that this could be a very small number or it could be a larger number, noting that the Council would eventually approve what this number would be. He stated this was their first priority, to protect from variances and things they could not predict. He stated that he suspected this would not be a lot of money in this case because this was a pay-as-you-go plan, as Mayor Battle had described. He stated that if there was any debt service associated with this, which he noted they did not expect any associated with this plan because it was going to be pay-as-you-go, that would be the second commitment.

Mr. Taylor stated that, most importantly, the third requirement was that it would be used to support the five-year initiative, which the Mayor had described, with the State, in the amount of \$125 million. He stated that the first \$25 million of additional sales tax revenue collected each year, on a 12-month basis beginning April 1, would be set aside

to meet the City's responsibilities under the agreement with the State. He stated that the road projects that Mayor Battle and Mr. Davis had described would be completed using these funds.

Mr. Taylor stated that the second prioritization of the project money thereafter would be to spend at least \$25 million per year on road projects. He stated that this could be the City's own road projects or it could be in conjunction with some other State agreement, as they looked down the road. He stated that this would be after the five-year agreement would be completed.

Mr. Taylor stated that the next component would restrict any money that the City collected above \$25 million to other capital improvements of the city or economic development. He stated that this wording was exactly like the wording they had in the current Capital Improvement Plan of the City, which he noted had been established 24 years prior, noting that the Council had been operating within the context of this for city capital improvements for that period of time. He stated that the sales tax had been increased by .5 cent at that time and that there had been some school funding associated with it. He continued that the Capital Plan as they knew it at this time had been born 25 years prior and that that plan required that the money be restricted for capital improvements of the city.

Mr. Taylor stated that the Mayor proposed these capital improvements to the Council each year during the budget

presentation and that the Council had to adopt all these projects. He stated that there was nothing specific in the ordinance that said it would be spent on precise projects because the Council would have to approve that, by law, at some later date. He continued that it simply established the general restrictions on capital improvements within the plan. He stated that that was how they had been operating for a very long time with the current 10-Year plan. He stated that this would actually be money that would go into the 2014 Capital Improvement Plan, that would be operated distinct from the Capital Improvement Plan they currently managed.

Mr. Taylor stated that, lastly, there were other technical matters about how they had to account for the money with respect to some of their financial reporting obligations.

Mr. Taylor stated that this was how the money would be spent, noting that it was very much like how they currently managed the 10-Year Capital Improvement Plan.

Mayor Battle stated that one of the questions that had come up was why the City could not take money from its current budget. He stated that each of the Council members had seen the budget recently. He continued that this was very lean, that there was not an extra \$25 million there. He stated that throughout the recession, they had reduced the size of government, they had cut budgets 10 percent, they had cut outside agency funding 10 percent, they had eliminated non-essential budget items, they had had a limited hiring

freeze, employee buy-outs, and that they had cut \$80 million from the Capital Plan. He stated that there was not an additional \$25 million that could be taken out.

Mayor Battle stated that someone had mentioned earlier in the meeting the \$2.8 million that they were going to spend on the Sealy project at Holmes and Jefferson. He stated that that \$2.8 million was going to be returned, noting that just from the sales tax on the construction material, the City would receive \$1.6 million, so that the cost to the City would then be \$1.2 million, and that over 20 years, they would collect approximately \$32 million worth of sales tax and property tax off the project. He continued that for \$1.2 million, they would get \$32 million in return, over 20 years, noting that this was not a bad return on the money.

Mayor Battle stated that another question was if the one-cent sales tax increase would expire after the five-year agreement with the State was completed. He stated that under the present ordinance, it would not. He stated that by ordinance, it was designated for roads and capital and economic development projects. He stated that the \$250 million road package was half of the road plans delayed 10 to 20 years in the State's budget. He continued that there were another 17 road projects, totaling \$1.5 billion, noting that the biggest one of these was the \$700 million Southern Bypass. He stated that the reason they had to look at the Southern Bypass was because the Parkway would come to overcapacity in 2029 to 2039.

He continued that this would eventually run to gridlock, that if they did not have another north-south corridor, they would have a problem in South Huntsville.

Mayor Battle stated that another project they had to look at was Research Park Boulevard, from Gate 9 to north of Highway 72. He stated that this was a \$135 million project that had to be looked at by the City at some point. He stated that this was talking about looking at in 2017 or 2018, noting that this was already a problem area and that in five years, it would be even more of a problem area.

Mayor Battle stated that another concern had been that a sales tax was regressive and why they were choosing this tax. He stated that he believed Mr. Taylor might address this by saying they did not have a choice on something that was not regressive. He stated that the only non-regressive tax was an income tax and that the City did not have a choice on that. He continued that they did not do an occupational tax because in 2010, the State Legislature had blocked them from doing something like that. He stated that a significant portion of the one percent sales tax increase would be paid by persons living outside the city of Huntsville.

Mayor Battle stated that another question had been if the City could exempt groceries and medicines from sales tax. He stated that State law did not allow municipalities to exempt food or medicine from taxes.

Mayor Battle stated that another question had been if the

tax increase would mean the City would pave more neighborhood roads. He stated that they had a long-term road improvement plan and maintenance plan but they always had more needs than they had resources and that this would help.

Mayor Battle stated another concern was that these roads belonged to the State and why Huntsville would not wait for ALDOT to pay for this work. He stated that he believed that persons could see that there was one road project in the State plan at this time, being County Line Road, which he noted that three corners were in Huntsville and one corner was in Madison, but that it benefitted Madison. He stated that this was the only project they had for the next five years, that there was no Northern Bypass, there was no overpass at Byrd Spring and Lily Flagg, no overpass at Mastin Lake, no finish of I-565, and nothing to help University Drive out to County Line Road. He stated that none of that was in the plan unless what was before the Council was approved at this time.

Mayor Battle stated that Huntsville citizens needed these roads. He stated that they had fought a good fight with "Restore our Roads," that they had tried to get the State to live up to where they were, but that it had not happened. He stated that they had also tried to get it in ATRIP funding, but that that did not happen. He stated that this joint agreement was the best possible solution for the roads.

Mayor Battle stated that if the City Council did not approve this sales tax increase, there was no Plan B, that they

would sit and wait for five years, and then finally they would start getting a road. He stated that he believed 2017 was the first road plan they had coming up. He stated that in 2017, the overpass at Lily Flagg and Byrd Spring would be started, and they would do the access roads, and it would take two years to do it, until 2019. He stated that then it might take a couple of more years before they would have enough money to get into the overpasses. He stated further that this would depend upon if the next Governor decided this was a priority, because the next Governor and the next Highway Director would be deciding this.

Mayor Battle stated that the plan they had at this time was a plan that was solid. He stated that the Alabama Department of Transportation had said that they would make a contract with the City, and that in that contract they would have obligations to perform, and the City would have obligations to perform. He stated that the City would have to provide the \$25 million. He stated that this was a five-year road plan, that this would take them one generation of plans. He stated that, however, this was not all, that they had another 17 projects that had to be done. He stated that someone had mentioned that this was just government growing. He stated that this plan did not add one City employee to government, that the plan did not grow one department in the City of Huntsville, that all the plan would do would be to give the City a revenue stream, for long term, to provide roads for

the city of Huntsville. He continued that these roads provided quality of life, they provided economic development, that they provided for the city, that they made Huntsville a living, thriving city, not a dying city.

Mayor Battle asked that the Council look at this at this time and pass it. He asked further that they pass it without a sunset, noting that the sunset would set them up to not be able to plan for the roads. He stated that if they did this for five years, it would be a quick-term fix, but it would not be a long-term solution, noting that a long-term solution was what they were looking for. He stated that they had to start planning at this time for the Southern Bypass, for Research Park Boulevard, and the future roads that would be needed, such as the Eastern Bypass and finishing the Northern Bypass, going over to Winchester, going over to Highway 72. He stated that they needed a long-term revenue stream to be able to provide for roads for the next 10, 15, or 20 years.

Mayor Battle stated that the ordinance said they had to spend a minimum of \$25 million per year on roads. He continued that this was not the first 5 years, not the first 10 years, not the first 20 years, that every year they collected this tax, they would have to spend a minimum of \$25 million on roads. He stated that they needed to do this for the next 10, 15, 20 years to keep the community growing and keep it where it was at this time.

President Russell thanked Mayor Battle for the

presentation.

President Russell moved for approval of Ordinance
No. 13-959, Substitute A, amending the Code of Ordinances,
Article III, Section 15-109 of Chapter 15, Sales Tax, regarding
the disposition of sales and use taxes, which Ordinance
No. 13-959 was introduced at the December 5, 2013, Regular
Council Meeting, as follows:

(ORDINANCE NO. 13-959, SUBSTITUTE A)

Said motion was duly seconded by Councilman Olshefski.

President Russell moved to amend the above ordinance to limit the collection of the additional one-cent sales tax to a five-year period, from March 1, 2014, at 12:01 a.m., to March 1, 2019, at 12:01 a.m., noting that this was a sunset clause.

Said motion was duly seconded by Councilman Kling.

President Russell stated that he would give his reasons for this motion. He stated that the original premise of this need was to fix a lack of promised State funding for the roads. He stated that five years of collecting this tax would solve that immediate problem, with the State matching these funds. He stated that he agreed that the five years would not cover all the capital needs or the future capital needs, that as the Mayor had very well said, there were many more needs to come.

President Russell stated that many citizens he had heard from agreed that the roads were needed, but they were concerned about the additional tax money. He stated that not all

citizens but most citizens were fine with the road projects, the \$125 million, but the concern seemed to be what they would do with the extra money. He stated that they feared the City would spend the money on other needs and wants. He stated that the five-year sunset would give them the opportunity to prove that the spending would continue for the appropriate, approved plan, and they would be able to prove they had done this correctly.

President Russell stated that the five-year sunset would allow a different set of elected leaders to weigh in on this issue. He stated that there might be different opinions and different circumstances in five years, so that they might want to regroup in five years and take another look at this. He stated that a five-year sunset would provide the time for the legislative delegation to work to convince others in State government that investment in Huntsville would bring a good return, that if they invested in Huntsville's infrastructure, Huntsville would provide jobs and good citizens that would in turn help the state. He stated that he would like to make that case to them and that he was certainly going to try to make the case to them over the next five years.

President Russell stated that the five-year sunset could hamper some long-term planning, as Mayor Battle had mentioned. He stated that he did not disagree with this, but he felt that they could do a plan continuing the tax or a plan without continuing the tax. He stated that they might not be able to

fund some of the engineering, et cetera, and that they would get behind. He stated that he agreed with this, and that it was a weak link in his argument, but he felt they could make it. He stated that it would be an interesting comparison for the citizens to see what would happen if they did not keep going with the tax in year six.

President Russell stated that he felt a sunset clause was something they owed the citizens. He stated that if he was around at that time, he might regret that he proposed this because he would probably not want to vote on a tax issue again in five years. He continued that, however, everyone was aware that the Council at every meeting voted on serious and difficult issues, so that he was really not scared of one more issue, that he was not scared about adding one more to the agenda in the next five years.

President Russell stated that he was aware that
Mayor Battle was against this motion and stated that he
applauded him for his leadership and that he complimented his
willingness to meet with the citizens. He stated that it had
been amazing on the prior Monday night, that there had been a
small meeting at the library, at Councilman Kling's request,
and that the Mayor had been there with perhaps two or three
citizens, with no security, no staff, and that he had basically
been interrogated for an hour. He stated that it just showed
what a great town this was, that the Mayor would be willing to
take time out of his busy schedule and go to a meeting and

answer questions like he had done. He stated that, also, he had done the same thing on several other occasions, that he had been everywhere answering questions, that he was not afraid to answer these questions. He stated that he did applaud his leadership and noted that he agreed with him on most issues, but that he just disagreed on this issue, but that he highly respected Mayor Battle's willingness to lead them on this issue.

Councilman Kling stated that he would like to take it a little further, stating that this whole thing had come across because Mayor Battle was trying to clean up a mess that was the responsibility of State government. He stated that persons might say that the State did not have any money, but noted that they always seemed to find money. He stated that Mayor Battle had been up front on this matter and had been fighting for the city and that he felt the city was fortunate to have a good fighter on this.

Councilman Showers stated that he had real needs, noting that some of the other Council members might not have the needs that he had in his district. He stated that he had problems at this time and not at some time in the future. He stated that when he went down the Parkway to go home in the afternoons, it took him a very long time.

Councilman Showers stated that he did not want to take the chance at this time to cut off the hand that was going to supply this opportunity. He stated that he was looking at the

opportunity to have the monies available to do what they did not have coming from the State, from the Governor's office. He stated that he did not want to see the Council cut off the opportunity to generate future dollars to do projects that they would not ever get support from the State for unless they maintained a steady flow of resources to do these road projects.

Councilman Showers stated that he did not want to see them cut off the opportunity for generating money with which they could do other things in the road project arena. He stated that if they cut this off, they would be right back where they were at this time.

President Russell stated that he applauded

President Russell and Councilman Kling for submitting their

amendment but that he could not support it.

Councilman Showers stated that at his recent town meeting concerning this matter, there had been many persons in attendance, and they had discussed this matter, and Mayor Battle had answered every question presented, along with Mr. Shane Davis. He continued that he had told his constituents that he would take a vote of those persons who were present at the meeting, noting that he had said all along that he would support the wishes of his constituents in this matter and that he intended to keep his promise on this. He stated that his constituents had said to him at that meeting that in the best interest of the city, they wanted to support

Mayor Battle's proposal.

Councilman Kling inquired of President Russell as to what would happen with the money in excess of the \$25 million. He asked if this was included in President Russell's amendment.

President Russell replied in the negative, stating that his amendment would only cut off the tax after five years.

Councilman Kling stated that he would like to put forth the idea that all the money would go for roads, including city roads and state roads.

President Russell stated that if Councilman Kling would like to move such amendment after the Council handled the matter on the floor at this time, that would be appropriate. He stated that what was on the floor at this time was his amendment, which he noted was basically a sunset clause, which they needed to discuss.

Councilman Showers stated that he was aware they were discussing President Russell's proposed amendment, but stated that based on what he had heard reported earlier, the language that was being referred to at this time was already included, that any excess money over and above what would be required would be used for roads, economic development, and related opportunities with roads, capital projects. He inquired of Mr. Joffrion if it was correct that this was already included.

Mr. Joffrion replied in the affirmative.

President Russell reiterated that his amendment, which was on the floor at this time, was just on stopping the tax after

five years. He asked if there was any further discussion on this proposed amendment.

There was no response.

President Russell called for the vote on his amendment to limit the collection of the additional sales tax to a period of five years, and the following vote resulted:

AYES: Kling, Russell

NAYS: Culver, Olshefski, Showers

President Russell stated that the motion had failed.

Councilman Kling moved to insert the language that all the money derived from the proposed tax would be used only for roads, including state and city roads.

President Russell stated that Councilman Kling was moving that all the money would be used only for roads, and not also for capital improvements.

Said motion was duly seconded by Councilman Culver.

Councilman Kling reiterated that he was moving that the money be used for state roads and city roads.

President Russell recognized Mr. Shane Davis.

Mr. Davis stated that there had been some confusion about what would happen to the additional five to seven million dollars they anticipated the tax to generate. He stated that he would like to take the Council back to approximately two years prior, in August, when the Administration had brought them the budget. He stated that in Mayor Battle's first three years, they had cut the operating cap, in the first year,

10 percent, mandatory to all the department heads, and the next year very similar, and that in the fourth year, they had a AAA credit rating and a balanced budget to present to the Council and the citizens. He continued that they had cut the Capital Plan \$80 million, noting that this was gone forever, that they would never get that back. He stated that this was where the additional money, above the \$25 million for roads, was anticipated to be used.

Mr. Davis stated that persons had spoken for or against the downtown area. He stated that he had been part of the City in some capacity since 1996, either as a private consultant or working for the City. He stated that "quality of life" was most likely different for different persons, noting that for a lot of people it was a vibrant downtown area. He continued that for some persons such as himself, with a young daughter, park and recreation facilities were very important. He stated that transportation was also very important.

Mr. Davis stated that the Capital Plan was very diverse, that it had drainage, street resurfacing, that it was increasing recreational facilities, parks. He continued that one of the parks that was very near and dear to most everyone was Big Spring Park, noting that Joy McKee and her group did a phenomenal job trying to maintain it but that the sea walls were falling in. He stated that this was a capital need, noting that it was a vital property that was the pride of the city.

Mr. Davis urged the Council to allow the balance of these funds to be used for these purposes. He stated that the Council would be presented with a list of such items, throughout their districts, for them to vote on, to take these funds and do such things, including transportation, greenways, bikeways, or sidewalks. He stated that these were needs that they had on top of the transportation needs. He stated that these were the additional capital needs that they had mentioned, both publicly, in the news, and in the Town Hall meetings.

Mayor Battle asked if they could have Mr. Randy Taylor address the need for capital reserves.

Mr. Taylor stated that the capital reserves they needed were particularly important when the City borrowed money. He stated that the Council was well acquainted with the reserve they had in the General Fund, which he noted was the largest and most familiar. He stated that 11.5 percent of the City's annual budget, approximately \$27 million at this time, was in that reserve to protect the City from unexpected financial downturns such as had been experienced five years prior when they had gone through \$25 million in approximately three years. He stated that the reason they had this reserve was to protect them from what they could not see coming.

Mr. Taylor stated that they would need a reserve in this new Capital fund, even though it would be pay-as-you go. He stated that there would be a small reserve of money set aside

to help insulate them from the things that they would not see coming so they could continue to have a sustainable plan. He reiterated that this would be a relatively small component of this, noting that it would depend on any degree of debt or any kind of uncertainty that would become more known to them as they moved through the plan. He stated that this was why they would have this and why it was actually in the ordinance.

Councilman Showers stated that he would not want to take the capital language out of the ordinance. He stated that there was a new school to be constructed on the North end and that the school superintendent might need some capital assistance with this and that he wanted to be able to do this, just as had been done at the other schools. He stated that if they deleted this language from the ordinance, they would not be able to do this.

Councilman Culver stated that although this had been a great year and they were one percent above what had been projected, 4 percent versus the 3 percent which had been projected, his concern was what would happen if they did not realize a minimum of \$25 million from this tax increase. He stated that perhaps Mr. Taylor had already answered his question concerning this. He continued that although he was aware they most likely they would receive more than \$25 million with this one percent increase in sales tax, his concern was with the worst-case scenario and what would happen if they failed to collect the \$25 million in the course of a fiscal

year.

Mr. Taylor stated that Councilman Culver's question would require a multi-part answer. He stated that in Councilman Culver's scenario, there would have to be a catastrophic effect on sales tax revenue, noting that they were expecting 32 to 34 million dollars comfortably, so that that would be a significant underrun. He stated that they had experienced a 4.2 percent decline in sales tax in 2009, noting that this was the largest decline in one year that they had had in a very long time. He continued that to have something of the magnitude of a \$7 million shortfall would be very severe, so that there would be many other issues they would be discussing if the Capital Plan suffered an under run of that magnitude.

Mr. Taylor stated that the multi-part question then would be what had caused them to be that short, noting that there would have to be something very significant in the economy, and that they would have to respond to that at that time. He stated that they would not automatically fill the gap, that if they knew they were going to collect \$24 million in a year, they would not turn that into long-term debt, because something so significant would be happening that they would have to fully understand it before they could move forward.

Mr. Taylor stated that that would be a significant cut and he could not imagine they would experience that, but if they did, it would be part of a discussion they would have concerning numerous City issues at that time. He stated that

as it stood at this time, sales tax was 57 percent of the City's budget. He stated that, therefore, they would have to look at various things. He stated that he did not have a good answer to Councilman Culver's question because the circumstances under which they would see a shortfall of that magnitude were difficult to foresee, as well as how they would navigate through it.

Councilman Culver asked if it was correct that when they had the shortfall in 2009, they had lost something in the range of 17 or 18 million dollars.

Mr. Taylor replied in the negative, noting that in today's dollars, a 4 percent decline in sales tax would be roughly \$5 million. He continued that this was what they had experienced in sales tax, noting that they had had some losses in other areas, as well. He stated that they had been able to respond to this because they had reserves and were able to continue providing the basic services, et cetera, through that difficult time. He stated that they had had to make adjustments in the budget, noting that the Mayor had previously outlined the cuts that had had to be made, and that Mr. Davis had reminded the Council of the cuts they had had to make in the Capital Improvement Plan of \$80 million. He stated that all of this was in response to this decline and what the long-term effects were to the City. He reiterated that this translated into, in today's dollars, \$5 million, plus the other losses they had experienced. He continued that they had

restructured and navigated through that.

President Russell called for the vote on Councilman Kling's motion that all the money derived from the proposed tax would be used only on roads, and the following vote resulted:

AYES: Kling

NAYS: Culver, Olshefski, Showers, Russell President Russell stated that the motion had failed.

Councilman Olshefski stated, concerning the sunset time frame, that he had heard that the first \$25 million would be for roads. He stated that it appeared the remaining funds would be debatable, that they would come with a normal plan, that there would be a plan out in the future, and that the discussion was still up in the air as to which road would go first, et cetera, and then after that \$25 million, whatever delta there would be, if it would be the 32 to 34 million dollars, that delta would be discussed again, based on Mayor Battle coming in with a budget for the Council to debate and discuss, as to the economic development/capital. He asked if this was correct.

Mr. Davis stated that Councilman Olshefski had stated this perfectly. He stated that in August, the balance beyond the \$25 million would be planned out in the Capital Plan and brought to the Council for a vote. He stated that that would be the first vote for the use of the money and that the second vote would be any expenditure that they would bring before the

Council to embark on that project. He continued that it would be brought before this Council or future Councils to vote aye or nay to continue that project. He stated that there would be multiple decisions to be made in the future by Council members as to how to spend this money.

Councilman Culver stated, concerning the one percent sales tax increase, that while to him this was a no-brainer, it was still a very, very difficult decision. He stated that he was listening to all the persons who had emailed him, noting that he had answered as many of these emails as possible and he had talked with constituents and other persons who were not in his district. He continued that this was not a district matter, that it was a city of Huntsville and North Alabama matter. He stated that he thought about families who were struggling and thought about not just persons that were regarded as being indigent but middle-class persons also. He stated that the economy was very sluggish and was difficult, that it was trying to rebound but had not rebounded.

Councilman Culver stated that he was saying all this to say that he had heard everything that persons had said, noting that he had even taken suggestions that had been made to him to Mayor Battle and they had discussed these.

Councilman Culver stated that he had felt that a property tax would fix all their problems, but that he now knew that this was not the case. He stated that they really did not have a choice in this matter, noting that a lot of careful planning

and thought had gone into this, that Mayor Battle and his staff had done exceedingly well with it. He stated that this was what it would take to grow the city's economy.

Councilman Culver stated that he had been saying over and over since he had been on the Council that sales tax was certainly not the kind of tax they should be relying on because it was so unpredictable, as indicated by what had happened in 2008 and 2009, and even the catastrophic events that had occurred in 2011. He stated that, however, since it was the largest revenue generator, they should be doing all they could in order to grow their budget, not City government but the budget, by bringing in more economic development, such as the 400 jobs at Boeing and some of the other companies that were coming into the city. He stated that they were going to continue to do this and that he honestly believed that while this was painful at this time, once they got past it, they were going to really see the benefits of this one percent increase. He asked persons to work with them and indulge them on this as they moved forward.

Councilman Kling inquired as to what the Council would be voting on at this time.

President Russell stated that it was the main motion, unamended.

Councilman Kling stated that this was not what he would have wanted, but noted that the State of Alabama had royally shafted the City. He continued that he thought that everyone,

driving around the city, saw the need for these roads. He stated that he certainly respected the opinions of everyone, both for and against this tax increase. He stated that he had looked into some ideas that had been presented and had tried to see what could or could not be done as an alternative, but he realized they had to keep the city moving forward, that they certainly did not want to be like Montgomery or Mobile, noting also that the problems of Birmingham were pretty well documented. He stated that for that reason, although this was not what he was hoping to get, given the realities of the situation, he would join his fellow Council members in supporting this ordinance.

President Russell called for the vote on Ordinance No. 13-959, Substitute A, and it was unanimously adopted.

Mayor Battle stated that he would like to thank the Council, as well as the community, for their support on this matter. He stated that they would look at this on a quarterly basis and would have full transparency and disclosure as to where the money would go. He stated that they wanted to make sure that everybody understood that these funds would go to where they were saying they would go. He stated that this would commence March 1 and that after the first 90 days, they would present a report to let the Council and the public know where they were on this issue.

Mayor Battle stated that the Council would also be voting on the contract with the State Department of Transportation,

which they would start pulling together on the following day.

President Russell stated that the Council would next consider item 13.c on the agenda and return to item 13.b at a later time.

President Russell moved for approval of Ordinance
No. 13-968, Substitute A, amending the Code of Ordinances,
Article III, Section 15-108, of Chapter 15, Sales, Use, Rental,
and Lodging Taxes, regarding Sales Tax, which Ordinance
No. 13-968, was introduced at the December 5, 2013, Regular
Council Meeting, as follows:

(ORDINANCE NO. 13-968, SUBSTITUTE A)

Said motion was duly seconded by Councilman Showers.

President Russell asked if there was any discussion concerning this ordinance.

There was no response.

President Russell called for the vote on Ordinance No. 13-968, Substitute A, and it was unanimously adopted.

President Russell moved for approval of Ordinance
No. 13-969, Substitute A, amending the Code of Ordinances,
Article III, Section 15-116, of Chapter 15, Sales, Use, Rental,
and Lodging Tax, regarding Use Tax, which Ordinance No. 13-969
was introduced at the December 5, 2013, Regular Council
Meeting, as follows:

(ORDINANCE NO. 13-969, SUBSTITUTE A)

Said motion was duly seconded by Councilman Showers.

President Russell asked if there was any discussion of the

above ordinance.

There was no response.

President Russell called for the vote on Ordinance No. 13-969, Substitute A, and it was unanimously adopted.

President Russell stated that the Council would now consider item 13.b on the agenda.

Councilman Showers moved for approval of Ordinance No. 13-967, amending Section 5.7, Appointment Status, of Ordinance No. 04-315, Personnel Policies and Procedures Manual, which ordinance was introduced at the December 5, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-967)

Said motion was duly seconded by President Russell.

President Russell asked Mr. Bryon Thomas, Director of Human Resources, for an explanation of the above ordinance.

Mr. Thomas stated that this was an amendment to add the necessary language in the Personnel Policies and Procedures

Manual to address the Federal Affordable Care Act. He continued that if they had part-time employees that worked the minimum 30 hours or more, they would be eligible for the benefits under this, and that this was to add this to the Personnel Policies and Procedures Manual.

President Russell asked if there were any questions concerning this for Mr. Thomas.

There was no response.

President Russell called for the vote on Ordinance

No. 13-967, and it was unanimously adopted.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action.

Councilman Culver stated to President Russell that he would be excusing himself from the meeting at this time.

President Russell asked that the record reflect that Councilman Culver was leaving the meeting.

(Councilman Culver left the Chambers.)

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the U.S. Marshals Service to accept overtime funding for officers assigned to the Regional Fugitive Task Force, as follows:

(RESOLUTION NO. 13-1008)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 (Final) to the agreement between the City of Huntsville and McDonald Brothers Construction for Cove Park Soccer Fields located at 864 Old Highway 431, as follows:

(RESOLUTION NO. 13-1009)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution

authorizing the appointment of part-time Municipal Court judges, as follows:

(RESOLUTION NO. 13-1010)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into agreements with the low bidder meeting specifications as outlined in the attached Summary of Bids for Acceptance, as follows:

(RESOLUTION NO. 13-1011)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630 by changing the authorized personnel strength in various departments and funds, as follows:

(ORDINANCE NO. 13-1012)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 13-630 by changing appropriated funding for various departments and funds, as follows:

(ORDINANCE NO. 13-1013)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 13-1014)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to commit HOME funds to Flint River L.P. for Flint River Apartment Home upon approval of their Grant Application to the Alabama Housing Finance Authority, as follows:

(RESOLUTION NO. 13-1015)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Memorandum of Understanding with North Alabama Revolving Loan Fund to provide financing for micro loans, utilizing program income from Community Development loan repayments, as follows:

(RESOLUTION NO. 13-1016)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 2 to the agreement between the City of Huntsville and Crisis Services of North Alabama, Inc., for services to the homeless (domestic violence) population, as follows:

(RESOLUTION NO. 13-1017)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter in an agreement for consulting services between the City of Huntsville and Jo Somers, as follows:

(RESOLUTION NO. 13-1018)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the City Attorney to settle the claim of Diane Davis (Claim No. FY13-143), as follows:

(RESOLUTION NO. 13-1019)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution

dedicating certain parcels of real property as rights-of-way for Mark C. Smith Drive in Cummings Research Park, as follows: (RESOLUTION NO. 13-1020)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to execute Modification No. 20 to the Supplemental Development Agreement, TIF5, Series 2010-B, to the Annexation and Development Agreement between the City of Huntsville and L W Redstone Company, LLC, as follows:

(RESOLUTION NO. 13-1021)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke CB&S Bank Letter of Credit No. 555582 for Anslee Farms Subdivision, as follows:

(RESOLUTION NO. 13-1022)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Christopher Professional Enterprises, Inc., for Redstone Gateway Extension, Market Street and Overlook Road Relocation, Package 1F-2, Water

Systems, Project No. 65-11-SP22, by Change Order No. 2, as follows:

(RESOLUTION NO. 13-1023)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to amend the contract with Christopher Professional Enterprises, Inc., for Redstone Gateway Extension, Market Street and Overlook Road Relocation, Package 1F-3, Primary Communication/Primary Electrical, Project No. 65-11-SP22, by Change Order No. 2, as follows:

(RESOLUTION NO. 13-1024)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to modify the agreement with Littlejohn Engineering Associates, Inc., d/b/a G.W. Jones & Sons Consulting Engineers, for Holmes Avenue and Pinhook Creek Bridge Improvements, Project No. 65-04-BR07, by Modification No. 3, as follows:

(RESOLUTION NO. 13-1025)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for U.S. Highway 431 Improvements, Project Nos. 65-11-TI01 and STPHV-STPAA-0001(577), as follows:

(RESOLUTION NO. 13-1026)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Garver, L.L.C., for Engineering Construction Administration Services for Holmes Avenue and Pinhook Creek Bridge Improvements, Project Nos. 65-04-BR07 and ACAA58618-DE-A195(935), as follows:

(RESOLUTION NO. 13-1027)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Johnson & Associates Consulting Engineers, Inc., for Engineering Design Services for Highway 255 Sanitary Sewer Master Plan, Project No. 65-14-SS03, as follows:

(RESOLUTION NO. 13-1028)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling

and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Tetra Tech, Inc., for On-Call Engineering Design and Construction Administration Services for Supervisory Control and Data Acquisition (SCADA) Projects, Project No. 65-14-SP03, as follows:

(RESOLUTION NO. 13-1029)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell moved for approval of a request for authorization to advertise and fill the position of Environmental Specialist III, Grade 17, at higher than minimum if necessary, which motion was duly seconded by Councilman Kling and was unanimously approved by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with Science and Engineering Services, Inc., for the provision and use of firefighting equipment, as follows:

(RESOLUTION NO. 13-1030)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution

authorizing the Mayor to execute a parking lease between the City of Huntsville and Broadway Westside Square, LLC, as follows:

(RESOLUTION NO. 13-1031)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted by the Council members present.

President Russell read and introduced a resolution authorizing the Mayor to enter into a Special Employee

Agreement between the City of Huntsville and Jimmy W. Wilbourn (Traffic Engineering), as follows:

(RESOLUTION NO. 13-1034)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

Councilman Olshefski asked for an explanation of the above resolution.

Mr. Dennis Thompson, City of Huntsville Traffic
Engineering, stated that they were asking for a one-year
contract to utilize their retiring signal supervisor on an
as-needed basis to assist them with the video detection
equipment and the adaptive system on Governors Drive that the
State would eventually be turning over to them. He stated that
they would like to have his technical support and assistance in
this matter while they were training someone to take over this
position.

(Councilman Kling is not present in the Council Chambers.)

President Russell called for the vote on the above
resolution, and it was unanimously adopted by the Council
members present.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute a Real Estate Sales Contract and Option Agreement between the City of Huntsville and Dynetics, Inc., as follows:

(RESOLUTION NO. 13-1035)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by President Russell.

President Russell asked Mr. Joffrion for an explanation of the above resolution.

Mr. Joffrion stated that this was a really wonderful and unique opportunity for the City of Huntsville in connection with the sale of property in Cummings Research Park. He stated that ordinarily they simply sold acreage to companies who wanted to develop in the area but that in this case Dynetics was seeking to purchase an approximately 14-acre lot and then take out an option on the adjoining 21-acre lot. He continued that the unique part of this was that Dynetics was partnering with the City of Huntsville on the adjoining lot during the option period, where they would have a right to purchase, which could be through the year 2028, and that they would contribute \$130,000 toward the development of this lot as recreational

area. He continued that this would include sand volleyball courts, a disc golf course, and several other amenities. He stated that Dynetics would be contributing the cost of these improvements for the benefit of the city of Huntsville, and particularly employees who worked in the Research Park area. He stated that the City would derive revenue from the sale of one lot, in the amount of approximately \$1.2 million, and then would, in partnering with Dynetics, develop the second lot for recreational use for some period of time.

(Councilman Kling is now present in the Council Chambers.)

President Russell called for the vote on the above
resolution, and it was unanimously adopted by the Council
members present.

President Russell read and introduced a resolution authorizing the Mayor to execute an Option Agreement to Lease Real Estate between the City of Huntsville and Sealy Property Development, LLC., as follows:

(RESOLUTION NO. 13-1036)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell asked Mr. Joffrion for an explanation of the above resolution.

Mr. Joffrion stated that this was also a unique opportunity and was a partnership with Sealy Property

Development. He stated that this was an option agreement, for

a one-year term, and that Sealy Property Development would pay the City \$10,000 for this one-year option. He stated that if they chose to exercise this option, the City of Huntsville and Sealy Property Development would enter into a development agreement. He continued that a copy of this was attached to the option agreement.

Mr. Joffrion stated that under this development agreement, the City would ground lease to Sealy Property Development property at the corner of Jefferson Street and Holmes Avenue for a period of 50 years, with two options to extend for an additional 49 years, for a total of 99 years. He stated that the proposed development was a multi-use development and that there was proposed a minimum of 120 residential apartment units on the property. He continued that he believed it was anticipated that they would build quite a few more than this, but that their conservative estimate was a minimum of 120. He continued that there would also be included 20,000 of commercial retail space and either an additional 50,000 square feet of office space or an additional 50 residential apartment units.

Mr. Joffrion stated that included within the development was a minimum 350-space parking garage, with at least 40 of such spaces designated for City use, so long as the parking garage would be in existence. He continued that these parking spaces would be available to the City for use on a 24/7 basis.

Mr. Joffrion stated that construction must begin within

six months from the effective date of the development agreement and be completed within 18 months from the start thereof.

Mr. Joffrion stated that he would be happy to answer any questions the Council members might have about this. He noted further that Mr. and Mrs. Sealy were also present to answer questions.

Councilman Kling stated that he believed it had been mentioned earlier that when matters such as this came up, they should state how much the City would be putting up and how much the return would be, so that the public would be aware of this.

Mr. Joffrion stated that he had failed to mention that the project did include some public infrastructure improvements, as well. He stated that the Meridian Street Extension between Spragins Street and Jefferson Street would be paid for by the City, as would streetscape improvements along the area. He stated that the streetscape improvements were part of the long-range Downtown Capital Plan and that they would just be accelerated under this development agreement.

Councilman Kling stated that he was seeking clarification as to the comparison of dollars that the City would be putting up and dollars that they would get back in return.

Mayor Battle asked Ms. Marie Bostick, Manager of Planning Administration, to comment on Councilman Kling's inquiry.

Ms. Bostick stated that Sealy Property Development had done an analysis on their investment, and the sales tax, as well as property tax, and employee-based sales tax that would

come back to the community. She continued that just based on construction material sales tax, the City would get back in the range of \$1.4 to \$1.6 million just in the first two years. She stated that this would go against the \$2.8 million that had been discussed earlier as the City's investment in the streetscape improvements and the Meridian Street Extension. She continued that as Mr. Joffrion had noted, the streetscape improvements were already planned, that they had been a part of the Streetscape plan for the last 20 years. She continued that this was just an acceleration of these particular streets, rather than an addition to the infrastructure plan.

Mayor Battle inquired as to the long-term revenues pertaining to this.

Ms. Bostick stated that, in the long term, over 20 years, it was an approximate \$33 million return, in taxes.

Councilman Kling stated that he believed someone had stated \$2.8 million as an expense, and that then the City would be getting back approximately \$32 million.

Ms. Bostick stated that that would be correct, in 20 years.

Mayor Battle stated that it would be \$2.8 million, minus \$1.6 million, and then the City would get back approximately \$32 million over 20 years.

President Russell stated to Ms. Bostick that he had read something concerning a five-story minimum for this project and inquired as to why five stories had been specified. He stated

that he could not recall what the height ordinance was in the downtown area but that he did recall there had been a long discussion concerning this.

Ms. Bostick stated that in this particular area there was no height limitation, that the ordinance had been modified so that it was unlimited in the section of the downtown area in which this property was located. She continued that there was a maximum height closer to the historic district, noting that this ranged from four to six stories, depending on the location. She stated that in this case, five stories had been chosen as a collaborative effort between the developer and the City. She stated that the City had wanted to ensure that they had an appropriate urban massing and height coming into the gateway to the city, to create the urban feel as one came into the downtown area. She stated that this was also a good mix as far as the square footages that were being proposed.

President Russell called for the vote on the above resolution, and it was unanimously adopted by the Council members present.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a 5-foot Utility and Drainage Easement and Perpetual Wall Maintenance Easement, Lot 90, Eastern Shore 2nd Addition (Pollard), as follows:

(ORDINANCE NO. 13-1032)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

President Russell read and introduced an ordinance authorizing the vacation of a portion of a 5-foot Utility and Drainage Easement, Lot 1, 2707 University Drive (Martin), as follows:

(ORDINANCE NO. 13-1033)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted by the Council members present.

Mr. Joffrion submitted the following deeds for approval: (DEEDS)

Whereupon, President Russell moved for approval of the foregoing deeds, which motion was duly seconded by Councilman Showers, and was unanimously approved by the Council members present.

President Russell stated that the next item on the agenda was Non-Roster Communications from the Public.

Ms. Jackie Reed again appeared before the Council, congratulating Mayor Battle and the Council members who had voted in favor of the sales tax increase. She stated she had been in favor of President Russell's amendment and was glad he had presented it, that she appreciated it. She stated that she had realized the vote would be in favor of the tax increase. She stated to Councilman Showers that she had not been able to

attend his town meeting but that she felt if she had been able to do so, things would have changed. She stated that she had had so much smoke blown in her eyes at this meeting that she would not be able to see how to get out. She stated to Councilman Olshefski that he was working for Huntsville Utilities.

President Russell asked Ms. Reed to address her comments to him or to the Council in general.

Ms. Reed stated that she would just write about her ideas.

Ms. Reed stated that she would like to go back to the downtown redevelopment project about which she was very concerned.

Ms. Reed stated that she would like to know when they intended to tear down the Municipal Building, noting that that would be a capital improvement, that she was sure it would be a part of the road money she had been reading about.

Ms. Reed stated, concerning the downtown redevelopment project, that they had stated that the lease would be for 50 years, but she had not heard an amount that would be paid per year for the first 50 years. She asked if this would be \$100 per year for 50 years.

Mr. Joffrion replied in the affirmative.

Ms. Reed continued that after that time, the rent would be \$120,000 annually.

Ms. Reed stated that she was concerned about the \$2.8 million, noting that it would cost more than that to tear

up all the brick streets in the area. She continued that it was Christmas and she not going to argue with the Council at this time but noted that she had the paperwork and that the Council had already approved it and that no one had really heard too much about it.

Ms. Reed asked what the City intended to do with all the vehicles that were parked at this location at this time, inquiring as to whom they would pay rent and what they were going to do concerning this. She asked if anyone knew about this.

President Russell replied in the affirmative, stating that they would answer Ms. Reed's questions when she had completed her comments.

Ms. Reed stated that no one had ever answered if this property had been appraised and asked if it had been, and, if so, what the appraisal amount was. She stated that no one had answered this, that she did not believe they had had an answer for it.

Ms. Reed wished everyone a Merry Christmas and stated that in 2014 she would be back stronger, bigger, and better.

President Russell asked Mr. Joffrion to comment on Ms. Reed's questions concerning the parking spaces in the area of the downtown project that had been under discussion.

Mr. Joffrion stated that the City would have 40 spaces in the proposed garage for its use for as long as the garage would be a garage. He stated that the City had some parking spaces

on the subject lot that were at this time leased out to downtown business persons and that they would need some spaces in order to accommodate this need. He reiterated that the City would retain 40 spaces in the garage.

President Russell asked how much the City would pay for these spaces.

Mr. Joffrion stated that the City would not pay anything for these spaces.

President Russell asked Mr. Joffrion if he knew what the appraised value of the property was.

Mr. Joffrion replied in the negative. He stated that they had had it appraised but he did not have that figure at this time.

President Russell advised Ms. Reed that he would provide her this information.

Mr. Jerry Cox, Telstar Circle, appeared before the Council, stating that first, as a veteran of the United States Army, he wished to respectfully acknowledge the six U.S. Army soldiers and the one 19-year-old United States Marine who had been killed in Afghanistan during the prior three weeks.

Mr. Cox stated that he was very pleased with the outcome of the sales tax matter and the "Restore our Roads" project, except that he had previously asked that some of this money would be used to expand the shuttle bus service to Saturdays. He stated that he had discussed with Councilman Kling that his district would have only indirect benefit from these proposed

roads, noting that none of them would directly benefit
Southwest Huntsville. He stated that, however, this area did
have a lot of riders of the shuttle bus, that, in fact, the
study that the City had paid for had shown that if they
extended the shuttle bus service to Saturdays, there would be
1200 riders that could take advantage of this mode of
transportation. He continued that these were riders who would
not benefit from the proposed roads.

Mr. Cox stated to Councilman Showers that he was aware that he had always had an interest in the shuttle bus system, that when it had been expanded Councilman Showers had attended the meetings and had provided input into this matter. He stated that a lot of residents in Councilman Showers' area also needed this Saturday shuttle bus service in order to be able to get to work. He continued that some of these persons had to work three hours on Saturdays just to pay for their transportation, their taxies to get them out on University Drive to work at the hotels, et cetera.

Mr. Cox reiterated that 1200 riders needed Saturday bus service. He stated that he had advised them that this expanded schedule would cost the City \$168,000 out of the 30 or 35 million dollars they would be receiving. He stated that this would be \$168,000, less what the riders would pay in fares, less what the United States Government would reimburse the City in transportation funds for this ridership.

Mr. Cox stated that, however, nothing had happened

concerning this matter. He stated that a lot of persons would have these roads to ride on, but that these 1200 or so persons, with many of them being in Councilman Kling's district, would not have a shuttle bus to ride on Saturdays. He stated that it would have been nice if the Council had thought about these persons and had put in the \$168,000, less what these riders would pay in fares, and less what would be reimbursed to them by the Federal Government.

Councilman Kling stated that at the prior week's work session, he had mentioned specifically the expansion of the public transit system as a way to help reduce capacity on the roads. He stated that, also, Mr. Cox had sent him a letter and that he had gotten in contact with Mr. Tommy Brown, the Public Transit Director, to see about implementing this.

Councilman Kling stated that he was concerned with the city as a whole and stated that if one wanted to discuss district boundaries, that, technically, the south boundary of the district in which he and Mr. Cox lived junctured at the Parkway to pick up about half of the Byrd Spring overpass that was scheduled for construction. He noted that, also, people could ride on this regardless of where they lived.

Councilman Kling stated that nothing was going to happen concerning the shuttle system immediately, but that he and Mr. Brown had discussed public transit and using it as a mechanism to help reduce some of the capacity on the roads.

Councilman Kling asked if Mr. Brown would like to add

anything to these comments.

Mr. Brown stated that this was certainly something that the report had suggested that they do and something that they would like to look at in the future, as the funding became available.

Pastor T.C. Johnson, St. Luke Church, 1800 Sparkman Drive, appeared before the Council, stating that he wanted to thank the Administration and the Council for the one percent tax increase, noting that it was not an easy thing to do but a much-needed thing to do. He stated that he believed everyone was surprised that the most depressed neighborhoods in the city were not opposed to this one percent tax increase.

Pastor Johnson stated that persons had heard a lot of things besides the tax increase discussed at the previous town meeting, and that one of the things they had heard was that out of 10 ZIP codes in the city, three ZIP codes, being 05, 10, and 16, had received 4,000 citations in the first six months of the year, and that all the white citizens, 70 percent of the city, in the remaining ZIP codes had received 3,888.

Pastor Johnson stated that he had previously been coming before the Council concerning this problem, but noted that it appeared that it was not a problem because it was not a problem to the majority, so that it did not really matter.

Pastor Johnson stated that the police force in the city was getting better and that he was not complaining about that, but that he wished the Mayor would take up a campaign and at

least make him feel good and say that they had researched this problem and that it was not racism, it was not profiling. He stated that this would not cost much money.

Pastor Johnson stated that evidently this did not matter to the Administration and the Council, but that it certainly mattered to him because in the three ZIP codes he had mentioned, there were some of the poorest people in the city. He stated that he wished the Chamber of Commerce leadership would look at this matter and say they should figure out why this was happening. He continued that, however, this had not happened.

Pastor Johnson stated that he would not be back before the Council with this matter because he did not feel it was going to help. He continued that he did believe there was help some place with this matter, even if it was just putting up a banner saying that the Star of the South, Huntsville, Alabama, could raise one cent over the whole city, and the Northwest community did not even fight about it, even though they hurt the most, but when it came down to an issue, year after year, of having an 85 to 90 percent white police force and this large percentage of the citations in certain areas, no one researched this.

Pastor Johnson stated that he was not arguing about if the tickets were right. He stated that he drove all over the city, that he had driven around just to determine why this one percent tax increase was needed and had seen that it was

needed, that the roads were needed. He stated that people were speeding everywhere he went. He continued that what he was bringing up was not a problem to the majority, so it was not a problem.

Pastor Johnson stated that these roads would not really do much for his community. He stated that if one looked at the makeup of the companies coming to the city, or the makeup of the companies in the city, if one really looked seriously, they did not look like the city, that they did not look 70/30 at all. He continued that they brought people in on these roads and took them out of the city.

Pastor Johnson stated that what he was bringing up was something that was inside the city and that the people being affected by this were the minority and not the majority. He stated that it was sad, in 2013, to have this still happening.

Mr. Howell Lee appeared before the Council, stating that he worked for the Huntsville/Madison County Builders

Association and that he just wanted to say how proud he was of the Council for the statesmanship they had shown in standing up and voting together to move the city forward. He stated that he believed this would be a high water mark for the city and that down the road, they would look back and say this was a very historic night. He thanked the Council for this.

President Russell asked if there was anyone else in the audience who would like to address the Council at this time.

There was no response.

Upon	motion,	duly s	seconded,	it was	voted	to adjourn.
			PRI	ESIDENT	OF THE	CITY COUNCIL
ATTEST:						
CITY CLERI	K-TREASUI	RER				